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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTICOUNTY: Mendocino-Lake Community College District

A written comment period has been established commencing on **December 3, 2010** and closing on **January 17, 2011**. Written comments should be directed to the Fair Political Practices Commission, Attention: Cyndi Glaser, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review; unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **January 17, 2011**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Cyndi Glaser, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 327-5966.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the re-

spective agency. Requests for copies from the Commission should be made to Cyndi Glaser, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 327-5966.

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO RENUMBER REGULATION SECTION 1859.90.2 AS 1859.90.3, ADOPT NEW REGULATION SECTION 1859.90.2, AND AMEND REGULATION SECTIONS 1859.129 AND 1859.197, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to renumber, adopt, and amend the above-referenced regulation sections contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to renumber, adopt and amend the above-referenced regulation sections under the authority provided by Sections 17070.35, 17075.15 and 17078.72(k) of the Education Code. The proposals interpret and make specific reference Sections 17072.12, 17072.30, 17074.16, 17076.10, 17077.40, 17077.42, 17077.45 and 17078.72 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB

adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on October 8, 1999.

The SAB, at its August 25, 2010 meeting, adopted emergency regulatory amendments to the SFP Regulations to allow future “priority funding rounds” in order to re-prioritize apportionments for school construction projects with the capability of submitting fund release requests within a specified period of time. The purpose is to provide available State bond funds to those projects that are construction-ready, thereby helping to create jobs and stimulate the economy.

Applicant school districts submitted their requests from October 7 through November 8, 2010 to convert unfunded approvals to State apportionments, on the condition that they can request their project funds within 90 calendar days of their State apportionment. An applicant approved in the priority funding round which fails to submit a signed Form SAB 50-05 requesting release of its project funds, to be physically in the possession of the OPSC within 90 days of the SAB’s approval of the apportionment, shall have its project rescinded without further Board action.

A summary of the proposed emergency regulatory amendments is as follows:

Existing Regulation Section 1859.90.2, “Local Bond Reimbursement Fund Releases,” will be renumbered as Section 1859.90.3.

Proposed adoption of Regulation Section 1859.90.2, “Priority Funding Round Process,” allows the SAB the flexibility to establish future 30-calendar day application filing periods to distribute available State school bond funding to school districts that request an apportionment. School districts must submit the Form SAB 50-05, “Fund Release Authorization,” with an original signature, within 90 calendar days of the Board’s approval of the apportionment; failure to make this submittal and have it physically received by the OPSC within 90 calendar days will result in rescission of the project without further Board action. School districts wishing to participate must provide a written statement signed by the authorized district representative within the 30-calendar day filing period that contains all of the following:

- Request to convert the unfunded approval to an apportionment;
- Concurrence with the 90-calendar day time limit on fund release;
- Acknowledgement that failure to submit a valid Form SAB 50-05, with an original signature, to be physically received by the OPSC within the 90-calendar day time limit will result in the

rescission of the apportionment without further Board action; and

- Acknowledgement that by participating in the priority funding round, the district is waiving its right to a standard 18-month timeline for fund release submittal.

For the purposes of this section, the word “rescinded” or “rescission” means that the apportionment returns to unfunded approval status with a new unfunded approval date. The new unfunded approval date will be determined by the Board at the time each priority funding round is approved. The district will not be required to re-submit the application and no further application review will be required.

Existing Regulation Section 1859.129 sets forth time limits on apportionments under the SFP Joint-Use Program for Type I and Type II Joint-Use projects. For Type II Joint-Use projects that are not part of a qualifying SFP Modernization project, the school district has 18 months from the date the Division of the State Architect (DSA) and California Department of Education (CDE)-approved plans were submitted to the OPSC to submit a completed Form SAB 50-05 or the apportionment will be rescinded without further Board action. The proposed amendment specifies that if the district applies for an apportionment through the priority funding round pursuant to Section 1859.90.1 or 1859.90.2, the 18-month time limit for submittal of the Form SAB 50-05 will be reduced to no more than 90 days from the date the Board approves the apportionment.

Existing Regulation Section 1859.197 sets forth the criteria for fund releases under the Career Technical Education Facilities Program (CTEFP). For CTEFP projects with reserved funds pursuant to Section 1859.193(d), the school district has 18 months from the date the DSA and CDE-approved plans were submitted to the OPSC to submit a completed Form SAB 50-05 or the apportionment will be rescinded without further Board action. The proposed amendment specifies that if the district applies for an apportionment through the priority funding round pursuant to Section 1859.90.1 or 1859.90.2, the 18-month time limit for submittal of the Form SAB 50-05 will be reduced to no more than 90 days from the date the Board approves the apportionment.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require lo-

cal agencies or school districts to incur additional costs in order to comply with the proposed regulations.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)-(4) of Section 4, Title 1, CCR. These regulations only apply to school districts for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than January 17, 2011, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulations
Coordinator

Mailing Address: Office of Public School
Construction
707 Third Street, Room 1-430
West Sacramento, CA 95605

E-mail Address: robert.young@dgs.ca.gov

Fax No.: (916) 376-5332

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 375-5939. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 376-1753.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulation.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulations should be addressed to the agency's regulations coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not

be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulation for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.dgs.ca.gov/opsc> under "Resources," click on "Laws and Regulations," then click on "SFP Pending Regulatory Changes."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulations coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 4. CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the California Debt Limit Allocation Committee (Committee) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The California Debt Limit Allocation Committee (Committee) has not scheduled a public hearing on this proposed action. However, the Committee will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Committee. Comments may also be submitted by facsimile (FAX) at (915) 653-6827 or by e-mail to cdlac@treasurer.ca.gov. The written comment period closes at 5:00 p.m. on January 17, 2011. The Committee will consider only comments received at the Committee offices by that time. Submit comments to:

Sean L. Spear
Executive Director
California Debt Limit Allocation Committee
915 Capitol Mall, Room 308
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Authority: Section 8869.94, California Government Code. Section 8869.94 of the Code authorizes the Committee to adopt regulations relating to an allocation system to administer the state unified volume ceiling as emergency regulations and instructs the Office of Administrative Law to consider such regulations to be “necessary for the immediate preservation of the public peace, health and safety or general welfare.”

Reference: Sections 8869.80 to 8869.94, California Government Code. These Regulations implement, interpret and make specific Sections 8869.80 to 8869.94 of the Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The purpose of CDLAC (“the Committee”) is to implement Section 1301 of the Federal Tax Reform Act of 1986 and Section 146 of the Internal Revenue Code which impose a limit on the amount of tax-exempt private activity bonds which a state may issue in a calendar year (i.e. the annual state ceiling). Federal tax law defines the term “private activity bond”; limits the volume of private activity bonds which a state may issue in a

calendar year; defines the types of programs and projects which qualify for tax-exempt bond financing under the volume cap; and specifies recordkeeping requirements.

The Committee was statutorily created by Chapter 943, Statutes of 1987, in response to the 1986 Federal Tax Reform Act. California Government Code Section 8869.80 et seq. defines the Committee’s responsibilities as follows:

Set the Annual State Ceiling:

The Committee is required to establish the state ceiling as soon as is practicable after the start of each calendar year.

Allocate the State Ceiling:

The Committee is granted the sole authority for allocating the annual ceiling.

Other Administrative Functions:

The Committee is authorized to adopt regulations relating to an allocation system to administer the state unified volume ceiling as emergency regulations (California Government Code 8869.94) which includes authorization to prepare forms, establish procedures, set priorities, require a performance deposit, assess fees, and perform other administrative functions as necessary. Additionally, in establishing CDLAC the Legislature emphasized the substantial public benefit of promoting housing for lower income families and individuals and of preserving and rehabilitating existing governmental assisted housing for lower income families and individuals.

In November 2009, CDLAC was also tasked with administering the reallocation of waived American Recovery and Reinvestment Act of 2009 — Recovery Zone Bond and Qualified Energy Conservation Bond authority on behalf of the State under California Assembly Bill 1009. Under California Government Code 8869.82(a)(11)(B), the definition of “State Ceiling” was amended to include the Recovery Zone Bond and Qualified Energy Conservation Bond Allocations.

The proposed allocation system will provide tax exempt private activity bond allocation (state ceiling) to state and local agencies, and promote the following: housing for lower income families and individuals; preserving and rehabilitating existing governmental assisted housing for lower income families and individuals; and providing federal tax credits or reduced interest rate mortgages to assist teachers, principals, vice principals, assistant principals and classified employees who are willing to serve in high priority schools to purchase a home.

Chapter 1. General Provisions.

Article 1. Definitions. Defines and establishes specific terms used throughout the document.

Article 2. State Ceiling and Application Process. Outlines the process of when the Committee shall determine and announce the amount of allocation available for the year and whether each pool will be competitive or non-competitive.

Article 3. State Ceiling Pools. Establishes the pools that will be available for the year and for each Allocation Round.

Article 4. Application Schedule and Procedures. Establishes the who, what, where, and how to file an Application with the Committee for an award of allocation.

Article 5. Performance Deposits and Fees. Establishes that certain Applicants shall include a performance deposit, the amount of the deposit, how long a deposit must be maintained, and the terms and conditions for its release and possible forfeiture if terms and conditions are not met. This article also establishes that all Applicants shall file a filing fee, the amount of the fee, and when each installment of the fee is due.

Article 6. Bond Sale Structure Requirements. Establishes what evidence shall be presented to the Committee in order to verify the manner in which the proposed bonds will be sold, if awarded.

Article 7. Committee Resolution: Use of State Ceiling Allocations. Establishes that the granting of an allocation by the Committee shall be memorialized in a written resolution, and that the use of allocation shall be limited to the resolution.

Article 8. Expiration of Allocations. Establishes the expiration date by which each kind of bond allocated must be issued and any extensions that are available.

Article 9. Transfers of Allocation. Establishes that allocations are not transferable unless expressly authorized in writing by the Committee.

Article 10. Carryforward Allocations. Establishes that Applicants receiving an allocation may not carry forward the allocation to a subsequent year unless expressly authorized by the Committee.

Article 11. Reporting Requirements. Establishes the obligations Applicants receiving an allocation shall have to report the use of allocation to issue bonds, the deadlines to submit reports, and the address by which reports shall be transmitted.

Article 12. Universal Evaluation Criteria for All Applications. Summarizes and outlines that all information submitted shall be demonstrated by satisfactory evidence, that all evidence shall be complete and accurate, and establishes that Applicants who have demonstrated lack of compliance with these standards may have their applications disqualified from evaluation.

Chapter 2. Qualified Residential Rental Projects.

Article 1. Definitions. Defines and establishes specific terms used exclusively within this chapter.

Article 2. Applications. Establishes which Applications should be used for a portion of the Qualified Residential Rental Project Pool.

Article 3. Minimum Requirements. Establishes the crucial requirements applications must demonstrate to qualify for bond allocation.

Article 4. Market Studies. Establishes the expiration date of a market study and the requirement that a market study must be prepared by an independent third party.

Article 5. Acquisition and Rehabilitation Projects. Establishes the minimum amount of expenditures required for rehabilitation projects, the implementation of a tenant relocation plan if applicable, and details the provisions required in a capital needs assessment.

Article 6. Compliance Monitoring. Establishes that all recipients of awards shall be monitored for compliance with the terms and conditions set forth in the resolution and the manner in which applicants shall report.

Article 7. Evaluation Criteria. Establishes and details the specific criteria by which applications for Qualified Residential Rental Projects are evaluated for public benefits and ranked.

Article 8. Supplemental Allocations. Establishes the provision whereby projects that have received allocation within the past three years may apply for additional allocation and the details of what must be submitted for such a request.

Article 9. Scattered Site Applications. Establishes the provision that each site of a scattered site project shall be evaluated separately for meeting minimum requirements and that the award of points shall be awarded on a pro rata basis.

Chapter 3. Single Family Housing.

Article 1. Definitions. Defines and establishes specific terms used exclusively within this chapter.

Article 2. Eligibility Requirements. Establishes the minimum requirements for which all applications for a single housing program must comply.

Article 3. Evaluation Criteria. Establishes and details the specific criteria by which applications for Single Family Housing Programs are evaluated and ranked.

Article 4. Single Family Housing Bonus Pool. Establishes the details and specific criteria by which applications for Single Family Housing Bonus Pool are evaluated and ranked.

Article 5. Veterans Home Loan Program. Allows the creation of a Single Family Housing Program to be offered specifically to veterans.

Chapter 4. Extra Credit Teacher Home Purchase Program.

Article 1. Definitions. Defines and establishes specific terms used exclusively within this chapter.

Article 2. Eligibility Requirements. Establishes the application process, applicant eligibility and the minimum requirements that must be demonstrated for the establishment of an Extra Credit Teacher Home Purchase Program.

Article 3. Evaluation Criteria. Establishes and details the specific criteria by which applications for Extra Credit Teacher Home Purchase Programs are evaluated.

Article 4. Reporting Requirements. Establishes the specific reporting requirements for applicants who receive an allocation for an Extra Credit Teacher Home Purchase Program.

Article 5. Noncompliance. Establishes the terms and conditions whereby a penalty may be assessed to a program participant that fails to fulfill the requirements set forth in a service commitment.

Chapter 5. Small Issue Industrial Development Bond Program.

Article 1. Definitions. Defines and establishes specific terms used exclusively within this chapter.

Article 2. Applications. Establishes the specific Application to be completed for a portion of the small-issue industrial Development Bond Program Pool.

Article 3. Evaluation Criteria. Establishes and details the specific criteria by which applications for a Small Issue Industrial Development Bond program are evaluated.

Article 4. Small Business Program. Establishes the Committee's prerogative to award allocation to CDFAC for the purposes of administering a Small Business Program, the minimum requirements for such program, and the specific evaluation criteria by which applications are evaluated.

Chapter 6. Exempt Facility Bond Program.

Article 1. Definitions. Defines and establishes specific terms used exclusively within this chapter.

Article 2. Applications. Establishes the specific Application to be completed for a portion of the Exempt Facility bond Program Pool and the Committee's prerogative to award allocation to CPCFA for the purposes of administering the Exempt Facility Project pool.

Article 3. Eligibility Requirements. Establishes the minimum application requirements and the Committee's policy concerning the review of projects using new or unfamiliar technology.

Article 4. Evaluation Criteria. Establishes and details the specific criteria by which applications for an Exempt Facility Bond Project are evaluated.

Article 5. Allocation Procedure. Establishes the ranking system for an award of Allocation.

Chapter 7. Student Loan Programs.

Article 1. Definitions. Defines and establishes specific terms used exclusively within this chapter.

Article 2. Eligibility Requirements. Establishes the minimum requirements for which all applications for a Student Loan Program must comply.

Article 3. Evaluation Criteria. Establishes and details the specific criteria by which applications for a Student Loan Program are evaluated.

Chapter 8. Recovery Zone Economic Development Bond (RZEDB) Program.

Article 1. The American Recovery and Reinvestment Act of 2009 (ARRA). Lists the counties and large municipalities that were assigned Recovery Zone allocations by the U.S. Treasury.

Article 2. Application Process for the Recovery Zone Economic Development Bond Reallocation Pool. Identifies the specific Application required, lists the minimum criteria, threshold requirements and allocation method by which applications for a RZEDB program will be ranked.

Article 3. Specific Evaluation Criteria. Establishes and details the specific criteria by which applications for an RZEDB Program are evaluated.

Article 4. Reporting Requirements. Establishes the requirement for reporting various actions, i.e. the use of bonds within three days of issuance, and a Plan of Issuance upon receipt of a direct RZEDB allocation.

Chapter 9. Recovery Zone Facility Bond Program.

Article 1. The American Recovery and Reinvestment Act of 2009(ARRA). Lists the counties and large municipalities that were assigned Recovery Zone allocations by the U.S. Treasury.

Article 2. Application Process for the Recovery Zone Facility Bond Reallocation Pool. Identifies the specific Application required, lists the minimum criteria, threshold requirements and allocation method by which applications for a RZFB program will be ranked.

Article 3. Specific Evaluation Criteria. Establishes and details the specific criteria by which applications for an RZFB Program are evaluated.

Article 4. Reporting Requirements. Establishes the requirement for reporting various actions, i.e. the use of bonds within three days of issuance, and a Plan of Issuance upon receipt of a direct RZFB allocation.

Chapter 10. Qualified Energy Conservation Bond Program.

Article 1. Definitions. Defines and establishes specific terms used exclusively within this chapter.

Article 2. Eligibility Requirements. Summarizes the minimum threshold requirements and allocation priority method by which applications for a QECB program will be ranked.

Article 3. Evaluation Criteria. Establishes and details the specific criteria by which applications for a QECB Program are evaluated.

Article 4. Reporting Requirements. Establishes the reporting requirement and timeframe for applicants receiving bond re-allocation.

List of forms to be incorporated by reference:

- Competitive Application for an Allocation of the State Ceiling on Qualified Private Activity Bonds for a Qualified Residential Rental Project (QRRP) (revised 1-1-11)
- Non-Competitive Application for an Allocation of the State Ceiling on Qualified Private Activity Bonds for a Qualified Residential Rental Project (QRRP) (revised 1-1-11)
- Competitive Application for an Allocation of the State Ceiling on Qualified Private Activity Bonds for a Qualified Residential Rental Project (QRRP) Universal Application Addendum (revised 1-11-11)
- Non-Competitive Application for an Allocation of the State Ceiling on Qualified Private Activity Bonds for a Qualified Residential Rental Project (QRRP) Universal Application Addendum (revised 1-11-11)
- Application for an Allocation of the State Ceiling on Qualified Private Activity Bonds for a Mortgage Credit Certificate Program (revised 1-1-11)
- Application for an Allocation of the State Ceiling on Qualified Private Activity Bonds for a Single-Family Housing Bond Program (revised 1-1-11)
- Application for an Allocation of the State Ceiling on Qualified Private Activity Bonds for a Veteran's Home Loan Program (revised 1-1-11)
- Application for an Allocation of the State Ceiling on Qualified Private Activity Bonds for an Extra Teacher Credit Home Purchase Program (revised 7-14-10)
- Application for an Allocation of the State Ceiling on Qualified Private Activity Bonds for a Small-Issue Industrial Development Bond Project (revised 7-14-10)
- Application for an Allocation of the State Ceiling on Qualified Private Activity Bonds for an Exempt Facility Project (revised 7-14-10)
- Application for an Allocation of the State Ceiling on Qualified Private Activity Bonds for a Student Loan Program (revised 7-14-10)
- Application for American Recovery and Reinvestment Act (ARRA) Qualified Energy Conservation Bonds (QECB) (revised 7-14-10)

- Application for an Award of American Recovery and Reinvestment Act of 2009 Recovery Zone Economic Development Bonds (RZEDB) (revised 7-1-10)
- Application for an Award of the American Recovery and Reinvestment Act of 2009 Recovery Zone Facility Bonds (RZFB) (revised 7-1-10)
- Performance Deposit Certification form for an Application for an Allocation of Qualified Private Activity Bonds (revised 7-1-10)
- Report of Action Taken Regarding the Issuance of Private Activity Bonds (revised 7-1-10)
- Report of Action Taken Regarding the Making of a Carryforward Election and the Issuance of Private Activity Bonds (revised 7-1-10)
- Report of Action Taken Regarding a Mortgage Credit Certificate Program (revised 7-1-10)
- Report of Action Taken Regarding a Carryforward Election and a Mortgage Credit Certificate Program (revised 7-1-10)
- Report of Action Taken Regarding the Issuance of Recovery Zone Bonds or Qualified Energy Conservation Bonds (revised 7-1-10)

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Committee and/or Executive Director has made the following initial determinations:

Mandate on Local Agencies or School Districts: The Executive Director of the Committee has determined that the Regulations do not impose a mandate on local agencies or school districts.

Fiscal Impact: The Executive Director of the Committee has determined that the Regulations do not impose any additional cost or savings requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the California Government Code, any other non-discretionary cost or savings to any local agency or any cost or savings in federal finding to the State. Pursuant to the State Administrative Manual Section 6680, a Fiscal Impact Statement (Form 399) is submitted without the signature of a Project Budget Manager at the Department of Finance, as there are no fiscal impact disclosures required by State Administrative Manual Sections 6600-6670. There will be no cost or savings to any State Agency pursuant to Government Code Section 11346.1(b) or 11346.5(a)(6).

Housing Costs: The Executive Director of the Committee has determined that the Regulations do not have a significant effect on housing costs.

Significant, Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete: The Executive Director of the Committee has determined that the Regulations do not have an adverse economic impact affecting California businesses.

Assessment Regarding Effect on Jobs/Businesses: The proposed regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses with the state, or affect the expansion of businesses currently doing business within California.

Cost Impacts on Representative Private Person or Businesses: The Committee is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Business Reporting Requirement: The proposed regulations do not require any reports by businesses other than those for which an award of Allocation was granted. The reporting required is limited to certifications of compliance with the Committee's resolution that transferred the award to the business.

Small Business Determination: The proposed regulations will not have an adverse impact on small businesses in California as the awards of the state ceiling will only encourage the development of housing or facilities developed or operated primarily by small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Committee must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Committee invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Sean L. Spear
Executive Director
California Debt Limit Allocation Committee
915 Capitol Mall, Room 308
Sacramento, CA 95814

The back-up contact person for these inquiries is:

Misti Armstrong
Program Manager
California Debt Limit Allocation Committee
915 Capitol Mall, Room 308
Sacramento, CA 95814

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, forms to be incorporated by reference, or other information upon which the rulemaking is based to Misti Armstrong at the above address.

AVAILABILITY OF THE STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Committee will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of the regulations, the forms to be incorporated by reference, and the initial statement of reasons. Copies may be obtained by contacting Misti Armstrong.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the written comment period hearing and considering all timely and relevant comments received, the Committee may adopt the proposed regulations substantially as described in this notice. If the Committee makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Committee adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Misti Armstrong at the address indicated above. The Committee will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Misti Armstrong at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in

underline and strikeout can be accessed through our website at <http://www.treasurer.ca.gov/cdlac/index.asp>.

TITLE 4. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) proposes to repeal regulations contained in Title 4, Division 9, Chapter 1, Article 1, Section 4002.2(a). This regulation gave guidelines to sealers of weights and measures on recommended minimum test weights and test loads to be used when testing scales.

Business and Professions Code Section 12107 requires the Department to adopt the National Institute of Standards and Technology (NIST) Handbook 44 (HB 44) "Specifications and Tolerances, and Other Technical Requirements for Weighing and Measuring Devices", except as specifically modified, amended, or rejected by regulation adopted by the Secretary of the Department of Food and Agriculture (Secretary). Title 4, California Code of Regulations, Section 4002.2(a) was added, amending HB 44, specifically to allow county offices of weights and measures time to procure sufficient test standards to be able to apply the minimum amount of test loads to scales with capacities greater than 40,000 pounds. County offices of weights and measures now have sufficient test standards to meet the minimum test load of 12.5% required by HB 44 and the amended provision of Section 4002.2(a) is no longer necessary.

The Legislature has charged the Department with the responsibility of supervising weights and measures activities within California (Business and Professions Code, Division 5, Section 12100). Sections 12027 and 12107 give authority to the Secretary to adopt such regulations as are reasonably necessary to carry out the provisions of the Business and Professions Code, Division 5.

A public hearing is not currently scheduled. However, any interested person or duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be scheduled.

Following the public hearing, if one is requested, or following the written comment period, if no public hearing is requested, the Department of Food and Agriculture, upon its own motion or at the instance of any interested person, may thereafter adopt the proposal substantially as set forth without further notice.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Food and Agriculture, Division of

Measurement Standards, 6790 Florin Perkins Road, Suite 100, Sacramento, CA 95828-1812. Comments may also be submitted by facsimile (FAX) at (916) 229-3026 or by e-mail at DMS@cdfa.ca.gov. Comments must be submitted prior to 5:00 p.m. on January 17, 2011.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Food and Agriculture proposes to repeal Article 1, Section 2002.2(a), Recommended Minimum Test Weights and Test Loads and the existing Table 4.

AUTHORITY AND REFERENCE

Pursuant to the authorization in Business and Professions Code Sections 12027 and 12107 (reference citation), the Department proposes to repeal existing Section 4002.2(a) relating to minimum test loads and test weights for scales as required by Section 12107 which states:

"The director shall establish tolerances and specifications and other technical requirements for commercial weighing and measuring. In doing so, the director shall adopt, by reference, the latest standards as recommended by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 44 "Specifications and Tolerances, and other Technical Requirements for Weighing and Measuring Devices," except as specifically modified, amended, or rejected by regulation adopted by the director.

"The director may, by regulation, establish tolerances and specifications for commercial weighing and measuring devices not included in Handbook 44.

"Any regulation shall be adopted, amended, or repealed in conformity with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code."

LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary

costs or savings on local agencies. This proposal does not result in any cost or savings in federal funding.

COST OR SAVINGS TO STATE AGENCIES

No additional costs or savings to state agencies are anticipated.

BUSINESS IMPACT/SMALL BUSINESS

The Department has made an initial determination that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This proposal does not affect small businesses as defined by Government Code Section 11342.610. The determination that the proposal would not affect small business is based upon the fact that this regulation does not place new requirements or restrictions on business. It has no impact at all on any entity that is not a state agency as defined in Section 11000 of the California Government Code.

ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESS

The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON HOUSING COSTS

None.

ALTERNATIVES

The Department must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the

agency would be more effective in carrying out the purpose for which the adoption of this regulation is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to David Lazier, Assistant Director, Division of Measurement Standards, at (916) 229-3044 or dlazier@cdfa.ca.gov. The backup contact person is Kristin Macey, Acting Director, Division of Measurement Standards, at (916) 229-3000 or kmacey@cdfa.ca.gov.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an Initial Statement of Reasons for the proposed action, has available all the information upon which the proposal is based, and has available the express terms of the proposed action. A copy of the Initial Statement of Reasons and the proposed regulations in strikeout and underline form may be obtained upon request. The rulemaking file, and all information on which the proposal is based, is located at the Division of Measurement Standards, 6790 Florin Perkins Road, Suite 100, Sacramento, CA 95828-1812, and may be obtained upon request. Additionally, all documents relating to this rulemaking file may be obtained from the Department's website located at www.cdfa.ca.gov/dms.

Following the written comment period, the Department will adopt the proposal substantially as set forth above without further notice. If the regulations adopted by the Department differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any interested person may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein.

A Final Statement of Reasons, when available, may be obtained by contacting David Lazier, Assistant Director, Division of Measurement Standards, at (916) 229-3044.

WEBSITE ACCESS

Materials regarding this proposal can be found at: www.cdfa.ca.gov/dms.

TITLE 5. COMMISSION ON TEACHER CREDENTIALING

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Division VIII of Title 5 of the California Code of Regulations

Proposed Addition and Amendments to Title 5 of the California Code of Regulations Pertaining to Designated Subjects Adult Education Teaching Credentials

Notice of Proposed Rulemaking

The Commission on Teacher Credentialing proposes to amend the regulatory action described below after considering all comments, objections and recommendations regarding the proposed action.

Public Hearing

A public hearing on the proposed actions will be held:

January 27, 2011

1:00 p.m.

Commission on Teacher Credentialing

1900 Capitol Avenue

Sacramento, California 95811

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on January 17, 2011. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, attn. Tammy A. Duggan, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at tduggan@ctc.ca.gov.

Any written comments received 18 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

Authority and Reference

Pursuant to the authority vested by Section 44225 of the Education Code, and to implement, interpret or make specific Sections 44260.2 and 44260.3 of the Education Code, the Commission on Teacher Credentialing is proposing the addition of §80036.4 and amendments to §§80034, 80036, 80036.1, 80036.2, 80036.3, and 80036.5 of Title 5 of the California Code of Regulations.

Summary of Existing Laws and Regulations

Governor Schwarzenegger signed Assembly Bill (AB) 1374 (Chap. 36, Stats. 2010) on July 6, 2010. The provisions of AB 1374 that take effect on January 1, 2011 amend the Education Code (EC) sections pertaining to the issuance of Designated Subjects Adult Education Teaching Credentials.

The Commission directed staff to recruit an expert advisory panel in April 2008 to review the requirements for adult education teaching credentials as well as the *Standards of Quality and Effectiveness for Designated Subjects Adult Education Programs*. The panel's recommendations pertaining to the adult education teaching credential requirements were presented to the Commission in March 2009. Several of the panel's recommendations required changes to statute, which resulted in AB 1374 by Assembly Member Brownley.

AB 1374 amended EC §§44260.2 and 44260.3 related to the issuance of adult education teaching credentials and included several recommendations by the advisory panel as follows:

- 1) Reduces the years of experience required for general subjects (formerly termed 'non-academic' subjects) from 5 years to 3 years;
- 2) Reduces the term of the preliminary credential from five years to three years;
- 3) Moves the U.S. Constitution requirement from the preliminary to clear credential;
- 4) Deletes EC section 44260.8 related to the health education and computer education requirements and incorporates that language into EC section 44260.3 pertaining to the requirements for the clear credential; and
- 5) Consolidates the 'full-time' and 'part-time' designations.

The *Standards of Quality and Effectiveness for Adult Education Teachers* were approved by the Commission in November 2010 and program sponsors are currently writing to the new standards. The Commission will continue to issue five-year 'full-time' and 'part-time' preliminary adult education teaching credentials based on five years of full-time experience or education under the current regulations until an adult education program sponsor receives approval from the Committee on Accreditation or when a program document has substantially completed the review process needing only a few technical changes under the new standards. Once a program sponsor meets one of the aforementioned conditions and has confirmed that it is offering the Early Orientation (required by the recently approved standards), the Three-Year Preliminary Adult Education

Teaching Credential based on three years of experience and/or education may be requested.

From January 1, 2011 until January 31, 2013, the Commission will be issuing six types of Designated Subjects Adult Education Teaching Credentials. Individuals issued Preliminary Full-Time or Part-Time Adult Education Teaching Credentials under pre-AB 1374 statutes will be allowed time to complete their current programs.

The proposed regulations include the following recommendations made by the adult education advisory panel that were not included in AB 1374:

- a) Require submission of preliminary and clear adult education teaching credential applications through Commission-approved program sponsors;
- b) Change the 'non-academic' area to 'general subjects' and include the two new general subjects categories of Career Technical Education and Personal Development available on the Three-Year Preliminary and Clear Adult Education Teaching Credential issued pursuant to AB 1374;
- c) Reduce the number of hours required to equal one year of experience from 1500 to 1000 hours;
- d) Allow advanced industry certificates to qualify for one year of the three years of experience required to qualify for the Three-Year Preliminary Adult Education Teaching Credential in a general subjects area, as determined by a Commission-approved program sponsor;
- e) Accept one year of teaching experience earned while holding a general education teaching credential toward the three years of experience required to qualify for the Three-Year Preliminary Adult Education Teaching Credential in a general subjects area; and
- f) Update the criteria to qualify for the academic subject area of English as a Second Language.

Documents Incorporated by Reference: None.

Documents Relied Upon in Preparing Regulations: *Update on the Designated Subjects: Adult Education Advisory Panel:* Presented to the Commission in March 2009 and available on the Commission's website at www.ctc.ca.gov.

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None.

Other non-discretionary costs or savings imposed upon local agencies: None.

Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California [Govt. Code §11346.3(b)]: The Commission has made an assessment that the proposed amendments to the regulations will not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendments to the regulations do not affect small businesses. The proposed regulations will not have a significant adverse economic impact upon business since they apply only to the requirements for adult education teaching credentials that authorize service in California's public schools.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency will be more effective in carrying out the purpose for which the action is proposed or will be as effective as and less burdensome to affected private persons than the proposed actions.

Contact Person/Further Information

General or substantive inquiries concerning the proposed action may be directed to Tammy A. Duggan by telephone at (916) 323-5354 or Tammy A. Duggan, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may also be directed to Hai Jue Theriault at (916) 322-6253 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at www.ctc.ca.gov. In addition, all the information on which this proposal is based is available for inspection and copying.

Availability of Statement of Reasons and Text of Proposed Regulations

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice Register, the rule-making file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

Modification of Proposed Action

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantive or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

Availability of Final Statement of Reasons

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rule-making package after the public hearing. When available, it will be placed on the Commission's website www.ctc.ca.gov or you may obtain a copy by contacting Tammy A. Duggan at (916) 323-5354.

Availability of Documents on the Internet

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout may be accessed through the Commission's website at www.ctc.ca.gov.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **January 20, 2011**, at 10:00 a.m.
in Room 358 of the County Administration Center,
1600 Pacific Highway, San Diego, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from inter-

ested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **January 20, 2011**, following the Public Meeting,
in Room 358 of the County Administration Center,
1600 Pacific Highway, San Diego, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS

MEETING: On **January 20, 2011**, following the Public Hearing,
in Room 358 of the County Administration Center,
1600 Pacific Highway, San Diego, California.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4

and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **January 20, 2011**.

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7,
Article 10
Section 3380
**Personal Protective Devices—
Hazard Assessment and Equipment
Selection (Horcher)**
2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7,
Article 10
New Section 3380.1
**Employer Duty to Pay for Personal
Safety Devices and Safeguards**

Descriptions of the proposed changes are as follows:

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7,
Article 10
Section 3380
**Personal Protective Devices—
Hazard Assessment and Equipment
Selection (Horcher)**

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) intends to adopt the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates the Board to adopt regulations at least as effective as federal regulations addressing occupational safety and health issues.

In preparing responses to an audit conducted by the United States Department of Labor, Occupational Safety and Health Administration (Federal OSHA), the Division of Occupational Safety and Health (Division) ascertained that California lacks provisions equivalent to 29 CFR 1910.132(d)–(f) and the related non-mandatory Appendix B. Those regulations and Appendix are in Federal Register, Volume 59, No. 66, pages 16344– 16360. The Board proposes to adopt regulations which are the same as the federal regulation except for editorial and format differences.

These Federal standards specifically require employers to select and use personal protective equipment

(PPE); communicate selection information to employees; verify that a workplace assessment has been performed through documentation; ensure that defective or damaged PPE is not used; to provide employee training on the use, care, and limitations of PPE including refresher training and documentation; and to verify that each affected employee has received and understood the training.

The proposed non-mandatory Appendix A to Article 10 is intended to provide compliance assistance for employers and employees in implementing requirements for a hazard assessment and the selection of personal protective equipment. The proposed Appendix A is slightly different from the Federal non-mandatory Appendix B. The deviation from federal language in non-mandatory Appendix A exists with regard to Item No. 10, selection guidelines for foot protection. California references more recent editions of national consensus standards for foot protection than does Federal OSHA, which references an outdated ANSI Z41–1991 standard. This deviation is to ensure consistency between Appendix A, Item No. 10 and Title 8 foot protection standards.

An informative Note has been proposed which refers to the Non-Mandatory Appendix A as an example of procedures that would comply with the assessment standards.

The proposed regulations are substantially the same as the final rule promulgated by Federal OSHA. Therefore, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code when adopting a standard substantially the same as a federal standard. However, the Board is still providing a comment period and will convene a public hearing. The primary purpose of the written and oral comments at the public hearing is to: 1) identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking; and, 2) solicit comments on the proposed effective date. The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

The effective date is proposed to be upon filing with the Secretary of State as provided by Labor Code Section 142.3(a)(3). The regulation may be adopted without further notice even though modifications may be made to the original proposal in response to public comments or at the Board's discretion.

COST ESTIMATE OF PROPOSED ACTION

While this proposal is administrative in nature and would affect a wide variety of general industry employ-

ers, it is similar in many respects to California's Injury and Illness Prevention Program (IIPP) standards to the extent that it requires employers to determine whether occupational safety and health hazards exist in their workplaces and to take action to mitigate the hazards; these actions include training, recordkeeping and communicating to employees how they are to protect themselves from the hazards. Therefore, Board staff believes any fiscal impact arising from this proposal should be minimal in comparison to the existing cost of doing business and maintaining an IIPP program as required by General Industry Safety Orders Section 3203.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this regulation does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

The proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation does not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

The proposed regulation does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to the regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS

Division 1, Chapter 4, Subchapter 7,
Article 10

New Section 3380.1

**Employer Duty to Pay for Personal
Safety Devices and Safeguards**

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

On November 15, 2007, at Federal Register, Volume 72, Number 220, pages 64341 through 64430 the United States Department of Labor, Occupational Safety and Health Administration (Fed-OSHA) published a Federal Final Rule for 29 CFR Parts 1910, 1915, 1917 et seq. entitled, Employer Payment for Personal Protective Equipment (PPE). This Final Rule requires the employer to provide at no cost to the employee protective equipment when such equipment is necessary to protect employees from job-related injuries, illnesses and fatalities. These requirements address PPE of many kinds: head protection, gloves, goggles, welding helmets, safety shoes, safety glasses, face shields, chemical protective equipment, fall protection equipment and so forth. However, the Federal standards provide exceptions for employers having to pay for some items, such as non-specialty safety toe footwear or non-specialty prescription eyewear, when these items are worn off site.

California Labor Code Sections 6401 and 6403 in effect require employers to furnish and use personal safety devices and safeguards in order to render places of employment safe and healthful. The California Supreme Court in *Bendix Forest Products Corporation v. Division of Occupational Safety and Health* (1979), 25 Cal.3d 465 held that California law requires an employer to pay for required PPE. However, Title 8 lacks a spe-

cific requirement in that regard. It should be noted that existing case law requiring employers to pay for PPE is more effective than the Federal standard, because California enforces the employer's duty to pay for safety devices and safeguards without the exceptions provided in the Federal standard (except for employee-provided personal safety devices and safeguards that are not required by any Title 8, Division 1 standard).

In order to make it clear that state standards (and not just case law) are at least as effective as the counterpart Fed-OSHA standard, the Board staff proposes a new Section 3380.1 based in part on Federal language contained in the aforementioned Federal Register entry and on the Labor Code and Bendix, thereby making it clear that California employers are to provide all required personal safety devices and safeguards at no cost to the employee.

The following actions are proposed:

New Section 3380.1. Employer Duty to Pay for Personal Safety Devices and Safeguards

This section would clarify to the employer that required personal safety devices and safeguards shall be provided at no cost to the employee. This section would clarify the employer's responsibility (duty) to pay for required personal safety devices and safeguards whenever they are to be provided, used or worn in concert with Bendix, consistent with the Labor Code and the Federal standards.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this regulation does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed regulation does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/ UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than January 14, 2011. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on January 20, 2011, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Execu-

tive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Mike Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 15. CORRECTIONS STANDARDS AUTHORITY

NOTICE OF PROPOSED ACTION AMENDMENT OF EMERGENCY REGULATIONS

California Code of Regulations Title 15, Crime Prevention and Corrections Department of Corrections and Rehabilitation Corrections Standards Authority

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Sections 15820.906 and 15820.916 and the rulemaking authority granted by Penal Code Section 5058.3, in order to implement, interpret and make specific Government Code Sections 15820.90 through 15820.917, proposes to adopt Sections 1747.1, 1749.1 and 1750.1 and amend Sections 1706, 1747-1750, 1752, 1756, 1757 and 1767 of Title 15, California Code of Regulations, Division 1, Chapter 1, Subchapter 6, concerning local jail construction funding.

SCHEDULED PUBLIC HEARING DATE

Date and Time: January 26, 2011 @ 1:00 p.m.
Place: 660 Bercut Drive, Sacramento,
CA 95811
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period **will begin on December 3, 2010 and will close on January 20, 2011 at 5:00**

p.m. The text with proposed amendments, Initial Statement of Reasons and the Notice of Proposed Action will be made available on the CSA's website at www.cdcr.ca.gov/CSA/CFC/SB81_program.html. To be considered by the CSA, comments regarding the proposed changes must be submitted to the CSA, County Facilities Construction Division, 600 Bercut Drive, Sacramento, CA 95811; by fax at (916) 327-3317; or by e-mail at adultfacilityconstruction@cdcr.ca.gov before the close of the comment period.

CONTACT PERSONS

Please direct any inquiries regarding this action to:

Charlene Aboytes, Field Representative
Corrections Standards Authority
Dept. of Corrections and Rehabilitation
600 Bercut Drive, Sacramento, CA 95811
Voice: (916) 445-5073
E-Mail: Charlene.aboytes@cdcr.ca.gov

Leslie Heller, Field Representative
Corrections Standards Authority
Dept. of Corrections and Rehabilitation
600 Bercut Drive, Sacramento, CA 95811
Voice: (916) 445-5073
E-Mail: Leslie.heller@cdcr.ca.gov

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500-17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency. There will be a cost to the state through debt service paid on the lease revenue bonds, but the CSA does not anticipate any debt services payments within the next two years.
- Other nondiscretionary cost or savings imposed on local agencies: None. To be eligible for this voluntary funding program, counties must provide matching funds of 25% of total project costs. This will vary depending on the total funds counties request.
- Cost or savings in federal funding to the state: None.

EFFECT ON HOUSING COSTS

The CSA has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The CSA has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The CSA has determined that the proposed regulations will indirectly positively affect small businesses. Among other provisions, the Public Safety and Offender Rehabilitation Services Act of 2007 provides \$1.2 billion (in two phases) to counties for the construction or expansion of local jails. This will mean more construction and custody related jobs in the communities where this construction takes place.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The CSA has determined that the proposed regulations will indirectly positively affect jobs in California. Among other provisions, the Public Safety and Offender Rehabilitation Services Act of 2007 provides \$1.2 billion (in two phases) to counties for the construction or expansion of local jails. This will mean more construction related jobs in the communities where this construction takes place.

CONSIDERATION OF ALTERNATIVES

The CSA must determine that no reasonable alternative considered by the CSA, or that has otherwise been identified and brought to the attention of the CSA, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The CSA has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the amended regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR and the Notice of Proposed Action will also be made available on the CSA's website at www.cdcr.ca.gov/CSA/CFC/SB81_program.html.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the CSA's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the CSA may adopt the proposed modified regulations substantially as described in this Notice. If the CSA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the CSA adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The CSA will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws:

In May 2007, Governor Arnold Schwarzenegger signed into law Assembly Bill 900, the Public Safety and Offender Rehabilitation Services Act of 2007. Those requirements are now reflected in Chapter 7, Statutes of 2007 and in new sections of the Government Code. These sections (15820.906 and 15820.916) outline the CSA's responsibilities to administer local jail construction funding. Specifically, Sections 15820.906 and 15820.916 require the CSA to adopt regulations for the approval or disapproval of local jail facilities.

Summary of Existing Regulations:

On November 28, 2008 the 2007 Local Jail Construction Funding Program Title 15 regulations were effective. These regulations describe the CSA's responsibilities pertaining to the administration of local jail construction funding through lease-revenue bond financing. (Previously, the Board of Corrections¹ administered the County Jail Capital Expenditure Bond Acts of 1981 and 1984, the County Correctional Facility Capital Expenditure Bond Act of 1986 and the County Correctional Facility Capital Expenditure and Youth Facility Bond Act of 1988. Regulations in effect at that time were located in Title 15, California Code of Regulations, Division 1, Chapter 1, Subchapter 2.) There are no comparable federal regulations or statutes.

ARTICLE 1, GENERAL PROVISIONS

Section 1706, Definitions.

The definition for "concept drawings" is being added to describe the drawings or architectural renderings that, along with performance criteria, participating counties will develop to describe their design-build projects.

The definition for "design-bid-build" is being added to describe the building process generally used to construct a facility. It is the building process where the project is designed by an architectural firm that produces 100 percent complete construction documents, the project is put out to bid, and a bid is awarded to a construction firm that builds the project.

The definition for "design-build" is being added to describe the building process where the project is designed and built by the same contracted entity. For these regulations there are some distinct requirements for the "design-build" process that differ from the "design-bid-build process." Therefore, new regulations were added to describe the design-build requirements.

The definition for "ground lease" is being amended to add "Board-financed" before "local jail facility" to make it clear that the property upon which the jail project will be constructed will be financed through the State Public Works Board. In addition, the term (the "site") was deleted from this regulation because it was determined to be redundant.

The definition for "performance criteria" is being added to describe the information prepared pursuant to Public Contract Code 20133 that is provided by a participating county that fully describes the scope of the proposed design-build project.

In the definition for "Rated capacity," the Title 24 citation was amended.

¹ As a result of the reorganization of California's correctional system in 2005, the Board of Corrections was renamed the Corrections Standards Authority.

The definition for “site” is being amended to add “Board-financed” before “local jail facility” to make it clear that the property upon which the jail project will be constructed will be financed through the State Public Works Board.

In the definition for “Special use beds,” the Title 24 citation was amended.

ARTICLE 3, APPLICATION TO PARTICIPATE IN 2007 LOCAL JAIL CONSTRUCTION FUNDING PROGRAM

Section 1747, Pre-funding Requirements.

Assembly Bill 1628 added language to Government Code Sections 15820.906 and 15820.916 to allow the use of the design-build construction process with AB 900 lease-revenue bond financing. As a result of this change, it became necessary in some cases to amend existing regulations and create new regulations to describe the different requirements for the design-bid-build and the design-build processes. Because this regulation is specific to the design-bid-build process it was necessary to change the title to “Steps to Proceed with Construction for Design-Bid-Build Projects.” Subsection (a)(3) was deleted because the review and approving of the specified documents, the summary of bids received, a statement explaining to which contractor the bid was awarded and why, and the copy of the notice to proceed issued to the contractor, is the sole responsibility of the State Public Works Board.

In subsection (a)(2) the Title 24 citation was amended.

Subsection (a)(9) was deleted. The requirement that the county certify to CDCR and the Authority that the Board has determined an action was deemed unnecessary. The Board determination in this subsection is subsumed in the other actions the Board takes with regard to the project.

Section 1747.1, Steps to Proceed with Construction for Design-Build Projects.

This new regulation is being added to describe the steps to proceed with construction and the unique requirements for design-build projects.

Section 1748, Requirements for the Project Delivery and Construction Agreement.

Subsection (c) is being amended to add the term “design-build” in front of “contractors.” This was done to make it clear that both the construction contractor and the design-build contractor must post payment and performance bonds.

Section 1749, Submittal of Architectural Drawings and Specifications.

This regulation requires that the Authority approve the construction document plans and specifications be-

fore state monies can be encumbered in contracts by participating counties. This is the traditional design-bid-build construction project delivery system where the county completes the design of the project, the Authority reviews the construction document drawings (architectural plans and specifications that are 100% complete) and approves the project. The county then bids the project and then begins construction of the project and submits invoices in arrears for payment. Because this regulation is specific to the submittal of drawings and specifications for design-bid-build process it was necessary to change the title to “Submittal of Architectural Drawings and Specifications for Design-Bid-Build Projects.”

Reference to the submittal of the Operational Program Statement in subsection (a) was deleted here but added to Section 1750 to include all of the previously required pre-construction submittals into one regulation.

In subsection (d) the Title 24 citation was amended.

Section 1749.1, Submittal of Performance Criteria and Architectural Drawings and Specifications for Design-Build Projects.

Assembly Bill 1628 added language to Government Code Sections 15820.906 and 15820.916 indicating that no state monies shall be encumbered in contracts let by a participating county until either final architectural plans and specifications have been approved by the CSA, and subsequent construction bids have been received (this process is addressed in Section 1749), or documents prepared by a participating county pursuant to paragraph (1) of subdivision (d) of Section 20133 of the Public Contract Code have been approved by the CSA, and a design-build contract has been awarded pursuant to that section. This new regulation addresses the design-build process. This new regulation outlines the requirements for counties to submit documents in accordance with Public Contract Code Section 20133. Once the Authority has approved the documents and a design-build contract has been awarded pursuant to that section, the participating county can begin construction of the project and submit invoices in arrears for payment.

Section 1750, Staffing Plan/Operating Cost Analysis.

The title of this regulation has been changed to “Operational Program Statement/Staffing Plan/Operating Cost Analysis for Design-Bid-Build Projects.” This regulation is now specific to design-bid-build projects and subsection (a) has been added to include the requirement to submit an Operational Program Statement. Previously a requirement in Section 1749, it was added here to include all of the previously required pre-construction submittals into one regulation.

Section 1750.1, Operational Program Statement/Staffing Plan/Operating Cost Analysis for Design-Build Projects.

Government Code Sections 15820.906 and 15820.916 require counties to staff and operate local jails built through the 2007 Local Jail Construction Funding Program. This new regulation is specific to design-build projects and requires that counties that utilize this construction method develop a plan that describes how the new facility will be operated (the Operational Program Statement), staffed (the Staffing Plan) and how its operation will be funded (the Operating Cost Analysis). The purpose of these documents is to encourage counties to study and analyze their facility design and its impacts on on-going costs.

The terms “post identification” and “transition team program statement” as utilized in this section are not defined as these are terms of art that have a standard use and understanding in the corrections industry. The county will also be required to submit an analysis of a thirty (30) year lifecycle operating costs and maintenance and energy costs for the proposed facility. This is to ensure that the county has considered costs beyond the construction costs, and has acknowledged the ongoing operating costs of a jail facility over the typical thirty (30) year lifecycle of such facilities.

Section 1752, Ground Lease.

This regulation has been amended to delete reference to the ground lease being in a form agreed to by the Office of the Office of the Attorney General, the Board and the Authority. This reference was determined to be unnecessary because the development of all the agreements for this construction program was a collaborative effort between all the affected State agencies and the State Public Works Board relies on the legal review from the Department of Finance.

ARTICLE 4, ADMINISTRATION OF THE PROCEEDS OF THE STATE BOND FUNDS AND PROJECT MONITORING

Section 1756, Disbursement of the Proceeds from the Lease-Revenue Bond Funds.

Subsection (a) has been amended to apply to both the design-bid-build process and the design-build process. This amendment will require counties utilizing the design-build process to submit performance criteria or performance criteria and concept drawings for approval by the CSA pursuant to Section 1749.1. Upon approval of those documents by the Authority, and with the award of a design-build contract pursuant to Section 1749.1, the participating county can begin construction of the project and submit invoices in arrears for payment.

Section 1757, Pooled Money Investment Board.

Subsection (b) has been amended to clarify that this regulation applies to design-bid-build and design-build projects. Also, statutory references were corrected.

Section 1767, Completion of Project.

This regulation is being amended to clarify that it applies to both design-bid-build projects and design-build projects.

TITLE 22. EMPLOYMENT DEVELOPMENT DEPARTMENT

Amendment of Title 22, California Code of Regulations Section 2708(c)-1

PAID FAMILY LEAVE ACCEPTABLE DOCUMENTATION

Notice of Proposed Rulemaking

The Employment Development Department (Department) proposes to amend California Code of Regulations (CCR), title 22, section 2708(c)-1. The proposed amendments are necessary to clarify the documentation requirements for determining eligibility for Family Temporary Disability Insurance (FTDI) benefits in response to claims for legal guardians taking family care leave to bond with a new child.

The Department will adopt these regulations after considering all comments, objections, or recommendations regarding the proposed regulatory action.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The enactment of Senate Bills (SB) 1661 (Chapter 901, Statutes 2002) and SB 727 (Chapter 797, Statutes 2003) established the FTDI program, also known as the Paid Family Leave (PFL) program, within the existing State Disability Insurance (SDI) program. The FTDI benefit provides partial wage replacement to workers taking family care leave and is administered by the Department in accordance with the provisions of Part 2 (commencing with section 2601) of the California Unemployment Insurance Code (code).

FTDI benefits are provided to workers who are unable to perform their regular or customary work when they are either providing care for a seriously ill child, spouse, parent, registered domestic partner or bonding with a new child and are determined to be eligible for such benefits. The FTDI benefit became payable for

claims beginning on and after July 1, 2004. Regulations and procedures for determining eligibility for FTDI benefits became operative on July 1, 2004.

The intent of the proposed regulation is to identify proper documentation to support a PFL claim for bonding between a legal guardian and a new child. The need for the proposed regulation has arisen because the California Unemployment Insurance Appeals Board (CUIAB) has overturned several department determinations denying bonding benefits to legal guardians. The Department had denied these claims because legal guardians are not explicitly provided eligibility for PFL bonding benefits in the code, as is the case with adoptive and foster parents. However, the CUIAB found that the code provided eligibility to legal guardians for bonding benefits because it is commonly understood that a legal guardian is materially the same as a foster parent. Additionally, legal guardians are included in the definition of parent provided in Section 3302(g) of the code and legal wards are included in the definition of child in Section 3302(c) of the code.

The decisions of the CUIAB regarding this legal guardian issue are binding on the Department. If the CUIAB decides to issue a precedential decision based on its interpretation of legal guardian eligibility for PFL benefits, the Department would be unable to overturn that interpretation by adopting a regulation. Therefore, the Department needs to adopt the proposed regulation to clarify acceptable documentation requirements for legal guardianship to ensure consistency with the provisions established for adoption and foster care placement.

The Department anticipates that more claims will be paid as a result of this regulation change. However, it is difficult to estimate how many new legal guardian bonding claims the Department may receive on an annual basis considering the PFL program has been in effect for only 5 years. According to Departmental data, in the 2008/2009 fiscal year, a total of 169,648 bonding claims were paid. Also during that period, a total of 13 claims that were disqualified for non-qualifying relationships may have been legal guardians. This represents less than one percent of the total paid claims over that period.

Under code sections 305 and 306, the Department is authorized to adopt, amend, or repeal regulations for the administration of the functions of the Department. Under code sections 2625, 2706, and 2708, SDI benefits are payable from the Disability Fund to individuals who file a claim for benefits in accordance with authorized regulations and are eligible to receive such benefit payments.

The proposed amendments to CCR, title 22, section 2708(c)-1, are necessary to clarify the documentation requirements for determining eligibility for FTDI bene-

fits in response to claims for legal guardians taking family care leave to bond with a new child.

The following proposed amendments to CCR, title 22, section 2708(c)-1, will:

- More clearly articulate what constitutes acceptable documentation for legal guardians,
- Provide the Department with the flexibility to use discretion when determining a legal guardian's eligibility for FTDI bonding benefits, and
- Allow the Department to continue to maintain the integrity of the program.

The proposed amendments will address the above three bulleted items.

Authority and Reference:

Authority: Sections 305 and 306, Unemployment Insurance Code. Reference: Sections 2706 and 2708, Unemployment Insurance Code.

Fiscal Impact:

Anticipated costs or savings in federal funding to the State: None

Anticipated costs or savings to any State Agency: None

Anticipated costs or savings to any local agency or school district: None

Significant statewide adverse economic impact: The Department does not anticipate the proposed amendments will result in any costs to the federal government, to State government, to local county governments, to private individuals, or to businesses and small businesses. Thus no costs were shown on the Economic and Fiscal Impact Statement.

The Department has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, because the proposed amendments are only intended to establish eligibility requirements for legal guardians without posing any negative impact on individuals or businesses. The Department has determined that the proposed amendments will not affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

The cost impact on representative persons or businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Anticipated impact on housing costs: The proposed amendments will have no effect on housing costs.

Anticipated non-discretionary costs or savings imposed upon local agencies: None.

Small Business Impact:

The Department has determined that the proposed amendments in and of themselves will have no effect on small businesses because they do not impose any new mandates on small businesses. The proposed amendments do not require that small businesses take any action or refrain from taking any action in regards to conducting business.

Local Mandate Determination:

The Department has determined that the proposed amendments will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with Section 17500), Division 4 of the Government Code.

Consideration of Alternatives:

In accordance with Section 11346.5(a)(13) of the Government Code, the Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

Written Comment Period:

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Estela Gallawa via U.S. mail, e-mail, or fax (see U.S. mail and e-mail addresses and fax number indicated below). **E-mail comments should include true name and mailing address of the commentor. Written comments submitted via U.S. mail, e-mail, or fax, must be received by the Department no later than January 17, 2011 at 5 p.m.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

CONTACT PERSONS

Inquiries or comments should be directed to:

(Mailing address) Estela Gallawa, Staff Counsel
Employment Development
Department
P. O. Box 826880
Legal Office, MIC 53
Sacramento, CA 94280-0001

(Hand delivery) Estela Gallawa, Staff Counsel
Employment Development
Department
800 Capitol Mall, Room 5020
Legal Office, MIC 53
Sacramento, CA 95814
Telephone No.: (916) 654-8410
Fax No.: (916) 654-9069
E-Mail Address: eddlegal@edd.ca.gov

Note: In the event Estela is unavailable, inquiries should be directed to the following backup contact persons at the same address as noted above:

Name: Debbie Kunitake, Legal
Assistant
Telephone No.: (916) 654-8410

Questions regarding the substance of the proposed regulatory action should be directed at this time to:

Name: Kelly Nordli, Staff Counsel
Telephone No.: (916) 654-8410

INTERNET WEBSITE ACCESS

The Department has posted on its internet website <http://www.edd.ca.gov> materials regarding the proposed regulatory action. Select "Proposed Regulations."

Public Hearing:

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person's written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is 5 p.m. on January 17, 2011.** A request for hearing can be made by contacting the persons noted above.

Modification of Proposed Action:

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is scheduled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

Final Statement of Reasons:

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To

obtain a copy of the final statement of reasons, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

Further Information:

The Department has prepared and has available for review, upon request, the text of the proposed regulations discussed in this notice, written in plain English; a statement of reasons setting forth the purpose of the proposed regulations; and the information upon which the Department relied in proposing the regulations. (If you received this notice by mail, a copy of the text of the proposed regulations and the statement of reasons were enclosed.) To obtain a copy, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review. For inquiries regarding the rulemaking file or the regulations' process, contact the persons noted above.

**TITLE 22. OFFICE OF STATEWIDE
HEALTH PLANNING AND
DEVELOPMENT**

NOTICE OF PROPOSED RULEMAKING

Title 22 California Code of Regulations
Division 7, Chapter 10 — *Health Facility Data*,
Article 8, *Patient Data Reporting Requirements*

ADD SECTION 97235 *Definition of Data Elements for Inpatients—Clinical Measurements*, AMEND SECTIONS 97212, 97213, 97215, 97221, 97228, 97229, and 97248

NOTICE IS HEREBY GIVEN that the Office of Statewide Health Planning and Development (OSHPD) proposes to add a new section 97235 *Definition of Data Elements for Inpatients—Clinical Measurements*, and to update sections 97212, 97213, 97215, 97221, 97228, 97229, and 97248, of Title 22, Division 7, Chapter 10, Article 8 of the California Code of Regulations (CCR) after considering all comments, objections, and recommendations regarding the proposed updates.

PUBLIC HEARING

No public hearing is scheduled. Any interested person, or his or her duly authorized representative, may submit a written request for a public hearing, pursuant to section 11346.8(a) of the Government Code. The written request for a hearing must be received by OSHPD's contact person, designated below, no later

than 15 days before the close of the written comment period.

**WRITTEN PUBLIC COMMENT PERIOD AND
CONTACT PERSON**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. All comments must be received by OSHPD by 5:00 p.m. on January 17, 2011.

Inquiries and written comments should be addressed to the primary contact person named below. Comments delivered by e-mail are preferred. Comments may also be faxed, hand delivered or mailed to:

Irene Ogbonna, Regulations Coordinator
Healthcare Information Division
Office of Statewide Health Planning and
Development
400 R Street, Room 250
Sacramento, CA 95811-6213
Fax: (916) 322-9718
Tel: (916) 326-3937
E-mail: iogbonna@oshpd.ca.gov

Inquiries and comments may also be directed to back-up contact person:

Ronald Spingarn, Deputy Director
Healthcare Information Division
Office of Statewide Health Planning and
Development
400 R Street, Room 250
Sacramento, CA 95811-6213
Fax: (916) 445-7534
Tel: (916) 326-3801
E-mail: rspingarn@oshpd.ca.gov

Comments should include the author's name, U.S. Postal Service address, and e-mail address, if applicable, for OSHPD to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

Materials regarding this notice of proposed changes, the text of the proposed regulations, and the Initial Statement of Reasons may be accessed at the Office's website www.oshpd.ca.gov/hid. Hardcopy materials are available upon request by contacting the contact person designated in this notice.

Following the public comment period OSHPD may adopt the proposal substantially as described below or, after considering all comments, recommendations, and objections regarding the proposed updates, may modify the proposal and offer a second public comment period. With the exception of technical or grammatical changes, the full text of any modified proposal will be available on the OSHPD website for at least 15 days

prior to its adoption. If there is a modified proposal it may also be available by contacting the contact person designated in this Notice.

AUTHORITY AND REFERENCE

Authority: California Health and Safety Code, Sections 128738, 128755 and 128810. Reference: California Health and Safety Code, Sections 128735, 128736, 128737 and 128738.

INFORMATIVE DIGEST/POLICY STATEMENT

Hospitals and freestanding ambulatory surgery clinics are required by law to file certain patient-level information with the Office of Statewide Health Planning and Development at specified intervals. Health and Safety Code Section 128735(g) requires that each California hospital file a Hospital Discharge Abstract Data Record for each patient discharged from the hospital. These are sometimes referred to as the inpatient data. In addition, hospitals must file an Emergency Care Data Record for each encounter in a hospital emergency department (Health and Safety Code Section 128736) and hospitals and freestanding ambulatory surgery clinics must file an Ambulatory Surgery Data Record for each patient encounter during which at least one ambulatory surgery procedure is performed (Health and Safety Code Section 128737). These two types of records are sometimes referred to as outpatient data.

OSHPD is proposing that twelve new clinical measurement data elements be added to the hospital discharge abstract data (inpatient data) for discharges occurring on or after January 1, 2012.

The 12 clinical measurements are Albumin, serum; Aspartate aminotransferase (AST); Blood urea nitrogen (BUN); Creatinine; Hemoglobin (Hgb); International Normalized Ratio (INR); Oxygen Saturation; pH; Platelet count; Potassium (K+); Sodium (Na+); and White blood cell count (WBC).

The 12 clinical measurements, if collected by the admitting hospital, would be reported for each patient for the first measurement occurring within 24 hours prior to or 24 hours after the time of admission.

Health and Safety Code Section 128738 allows OSHPD to add a net of 15 data elements to each of the three patient-level data sets (discharge [Inpatient], Emergency Department and Ambulatory Surgery) over any five-year period. These 12 new elements are within the limit of 15 for the discharge data.

Section 128745 of the California Health and Safety Code mandates that OSHPD publish risk-adjusted outcome reports for selected conditions and procedures. These twelve clinical measurements were specifically

chosen because they can be used to assist with an assessment of a patient's underlying health status at the time of admission, in order to improve the risk-adjustment process used in generating mandated outcome reports and support the development and production of additional outcome reports.

Section 128725 of the Health and Safety Code describes the functions and duties of the California Health Policy and Data Advisory Commission (CHPDAC). Subsection (j) states that the Commission shall "Recommend, in consultation with a 12-member technical advisory committee appointed by the chairperson of the commission, to the office the data elements necessary for the production of outcome reports required by Section 128745." The 12 new proposed elements were selected based on the recommendations of the CHPDAC and their technical advisory committee. The CHPDAC has recommended adoption of these regulations.

OSHPD also discussed the addition of clinical measurement data elements with California Department of Public Health staff and the Centers for Medicare and Medicaid Services. OSHPD made several presentations to the California Hospital Association's Quality Committee on plans for adding clinical measurement data to the patient data sets. Additionally, OSHPD conducted site visits at five California hospitals and conducted a web survey of California hospitals to gather information on how clinical measurement data is currently defined, collected and stored.

This regulation package also updates the Format and File Specifications for MIRCOnline Transmission: Inpatient Data to allow for the collection of clinical measurement data. This regulation also makes the following minor changes: Deletion of the definition of DRG; addition of the definition of MS-DRG and Time of Admission and subsequent re-alphabetizing of the Definitions section; correction of the name of the inpatient specifications document; and removal of Table 1A (in Section 97248) as the defaults in this table are obsolete.

The effect of these regulations on outpatient data is to add a cross-reference to Section 97212(a) that was inadvertently not included when the Principal Language Spoken data element was added to the reporting requirements for encounters occurring on and after January 1, 2009.

SECTION 128738(b): PATIENT-LEVEL DATA ELEMENTS; ADDITIONS AND DELETIONS

Prior to proposing the addition of these 12 clinical data elements to the Hospital Discharge Abstract Data Record OSHPD considered the factors outlined in Health and Safety Code section 128738(b). OSHPD also surveyed all 441 hospitals for their input. Neither

sampling nor exchanging data elements would allow OSHPD to achieve its statutory goals. The hospital surveys supported both the feasibility of the data collection and OSHPD's assessment that the costs of collection and submission of the data would be reasonable in light of the benefits to be realized with the additional data.

DOCUMENTS INCORPORATED BY REFERENCE

The following materials, which are incorporated by reference, are available for review:

Format and File Specifications for MIRCal Online Transmission: Inpatient Data effective with Discharges occurring on or after January 1, 2012, as revised on March 31, 2010. (The Format and File Specifications for MIRCal Online Transmission: Inpatient Data document provides information for the reporting facilities on the format to be used to report required data elements to OSHPD.)

LOCAL MANDATE

Local Mandate Determination (Cal. Gov't Code Section 11346.5(a)(5)): As the proposed updates will impose requirements upon all California hospitals, and will only incidentally affect district hospitals, there is no local mandate created by the proposed revisions that would require state reimbursement.

FISCAL IMPACT ESTIMATES

Estimate of Cost or Savings to Any State Agency
(Cal. Gov't Code Section 11346.5(a)(5)): None.

COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500-17630 BY THE STATE

(Cal. Gov't Code Section 11346.5(a)(5)): None.

NON-DISCRETIONARY COST OR SAVINGS IMPOSED ON LOCAL AGENCIES

(Cal. Gov't Code Section 11346.5(a)(5)): None.

COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE

(Cal. Gov't Code Section 11346.5(a)(5)): None.

IMPACT ON HOUSING COSTS

(Cal. Gov't Code Section 11346.5(a)(12)): None.

POTENTIAL STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

(Cal. Gov't Code Sections 11346.3a; 11346.5(a)(7); 11346.5(a)(8)):

The Office has initially determined (from a Survey Monkey survey conducted in July/August of 2010) that the regulations would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Admitting hospitals (affected businesses) who collect any of these clinical measures within the 24 hours prior to or 24 hours after the time of admission would have the results of these measures included as part of the discharge record that they report to OSHPD.

A Survey Monkey survey was sent to all 441 hospitals who report data to the OSHPD; responses representing 151 hospitals were returned. The majority of responding hospitals estimated initial costs to be under ten thousand dollars and annual ongoing costs to be under ten thousand dollars. OSHPD does not consider that these estimates indicate a significant statewide adverse economic impact directly affecting hospital businesses.

POTENTIAL COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS

(Cal. Gov't Code Section 11346.5(a)(9)): The OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The Office has made an initial determination that the proposed regulatory action would have no adverse economic impact directly affecting small businesses; none of the 441 hospitals reporting data to OSHPD are small businesses. These regulations will have no significant effect on Ambulatory Surgery Clinics (ASC's) reporting to the office; these regulations add a cross-reference to Section 97212(a) that was inadvertently not included when the Principal Language Spoken (PLS) data element was added to the reporting requirements for encounters on and after January 1, 2009.

DETERMINATIONS

The Office has determined that the regulations would not significantly affect the following:

1. The creation or elimination of jobs within the State of California.
2. The creation of new businesses or the elimination of existing businesses within the State of California.
3. The expansion of businesses currently doing business within the State of California.

ALTERNATIVES CONSIDERED

The Office must determine in accordance with Government Code Section 11346.5(a)(13) that no reasonable alternative considered by the Office or that has otherwise been identified and brought to the attention of the Office would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

INITIAL STATEMENT OF REASONS

The text of Initial Statement of Reasons will be available from the Office website <http://www.oshpd.ca.gov/HID/MIRCal>.

TEXT OF PROPOSAL

The text of proposed changes or modifications to the regulations will be available from the Office website www.oshpd.ca.gov/hid and will be available from the Office upon request.

The text of any modified regulation, unless the modification is non-substantial or solely grammatical in nature, will be made available on the website at least 15 days prior to the date that the Office adopts the regulation. The changes will be underlined where text is added and ~~struckthrough~~ where text is deleted. The Office may adopt, amend, or repeal the foregoing proposal substantially as set forth without further notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS AND RULEMAKING FILE

The Final Statement of Reasons, including all of the Comments and the Responses, will be available, after its completion, from the OSHPD MIRCal website at <http://www.oshpd.ca.gov/HID/MIRCal/WhatsNew.html>. The complete Rulemaking File will be available for review from the designated contact person.

WEBSITE ACCESS

Materials regarding this proposal can be found at <http://www.oshpd.ca.gov/HID/MIRCal>.

TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NOTICE OF PROPOSED RULEMAKING DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT CALIFORNIA CODE OF REGULATIONS, TITLE 25, DIVISION 1, CHAPTER 3, SUBCHAPTER 2

NOTICE IS HEREBY GIVEN that the California Department of Housing and Community Development (HCD) proposes to adopt, amend or repeal regulations administered by its Manufactured Housing (MH) Program.

AUTHORITY AND REFERENCE

Health and Safety Code (HSC), Division 13, Part 2, commencing with Section 18000 establishes requirements for enforcement and standards that guide the MH Program within HCD. Specifically, HSC Section 18015 grants HCD the authority to promulgate regulations that interpret and make specific standards relating to the design and construction of various structures manufactured, altered, remanufactured or converted under HCD's jurisdiction. Chapter 540, Statutes of 2007 (Senate Bill No. 538—Battin), amended HSC Section 18028 with a directive for HCD to adopt regulations for the construction, alteration or conversion of commercial modulars and special purpose commercial modulars, other than mobile food preparation units, based on the current California Code of Regulations (CCR), Title 24, California Building Standards Code (CBSCode). Pursuant to this legislation, HCD reviewed existing regulations found in CCR, Title 25, Chapter 3, Subchapter 2, Sections 4000 through 4876, not consecutive, and made modifications in order to implement, interpret and make specific HSC Section 18028.

INFORMATIVE DIGEST

Summary of Existing Laws

The Manufactured Housing Act of 1980, commencing with HSC Section 18000, governs the construction, registration, titling and occupational licensing of manufactured homes, multifamily manufactured homes, mobilehomes, commercial modulars and special purpose commercial modulars for sale, rent, lease or use within the State of California.

Summary of Existing Regulations

CCR, Title 25, Chapter 3, Subchapter 2, commencing with Section 4000, contains the regulatory standards

that implement, interpret, clarify and otherwise carry out state law by establishing minimum design and construction standards for all multifamily manufactured homes, commercial modulars and special purpose commercial modulars to be sold, rented or leased throughout the state. Additionally, these regulations establish minimum standards for the alteration of existing manufactured homes, multifamily manufactured homes and mobilehomes, and the alteration, remanufacture or conversion of commercial modulars and special purpose commercial modulars.

Summary of Effect of Proposed Regulatory Action

This proposed regulatory action will fulfill the intent of Chapter 540, Statutes of 2007 (Senate Bill No. 538–Battin) and bring the manufacture, alteration, remanufacture and conversion of commercial modulars and special purpose commercial modulars under the provisions of the current CBSCode and all subsequent CBSCode revisions. The CBSCode is adopted by reference, as its standards are applicable to the construction, fire–life safety, plumbing, electrical, mechanical systems, and energy requirements of manufactured homes, multifamily manufactured homes and mobilehomes, commercial modulars and special purpose commercial modulars.

This regulatory action is based on information obtained through various resources, references and meetings held with focus groups, stakeholders, HCD–approved design approval agencies and HCD–approved quality assurance agencies. HCD–approved design approval and quality assurance agencies employ engineers, architects and experts familiar with the design and construction of commercial modulars and special purpose commercial modulars.

As a result of the statutory mandate for HCD to adopt the CBSCode, HCD proposes to modify or replace existing regulatory language to provide clear and concise statewide standards. HCD replaces some regulatory text with standards contained within the CBSCode. Existing regulatory text not amended or repealed, remains necessary, as they are specific to the commercial modulars and special purpose commercial modulars, and not addressed within the CBSCode. Additionally, regulatory text that has become outdated, as a result of statutory changes, industry changes, program procedure changes or the evolution of the market, is replaced by the current language of the various standards and procedures imposed upon industry and the regulated public. HCD has determined that implementing these proposed regulations will provide the regulated public with improved health and safety due to the use of updated, clear and concise statewide building standards.

Additionally, the sections of CCR, Title 25, affected by this rulemaking, see “Summary of Sections Affected” below, and the specific purpose for each regulatory provision of the proposed regulations are described in the *Initial Statement of Reasons*.

Summary of Sections Affected

The specific sections of CCR, Title 25, Division 1, Chapter 3, Subchapter 2, to be adopted, amended or repealed by this proposed regulatory action are as follow:

- Adopt: Article 3, Subarticle 1 Section 4356.1, Subarticle 2 number and heading, Subarticle 4 Sections 4516.1, 4516.3, 4516.7, 4516.9, 4517.1, 4517.2, 4517.4, 4517.6, 4519.1, 4520, 4520.1, 4520.2, 4521, 4522.1, 4522.2, 4522.3, 4522.4, 4522.5, 4522.6, 4522.7, 4522.8, 4522.9, 4523, 4523.1, 4523.2, and 4523.3; Article 3.5: Section 4526.
- Amend: Article 1 Sections 4000, 4004, 4005, 4010.5, and 4019; Article 3, Subarticle 1 heading and Sections 4350, 4353, 4356, 4358, 4358.3, 4363, 4365, 4368, and 4369.5, Subarticle 2 number and Sections 4380, 4381, 4383, 4387, 4389, 4391, 4394, 4396, 4397, 4402, 4404, and 4409, Subarticle 3 number and Sections 4414, 4415, 4473, and 4495, Subarticle 4 number and Sections 4514, 4515, 4516, 4516.5, 4517, 4517.3, 4517.5, 4518, 4519, and 4522; Article 3.5 heading and Sections 4525, 4527, 4528, 4529, 4530, 4531, 4532, 4533, and 4534; and Article 5 Section 4876.
- Repeal: Article 3, Subarticle 1 Sections 4354, 4357, 4357.5, 4359, 4360, 4360.2, 4360.4, 4360.6, 4360.7, 4360.8, 4361, 4361.3, 4362.5, 4363.3, 4363.4, 4363.6, 4364, 4369, 4370, 4371, 4372, 4374, 4376, and 4379, and Appendix CC–1 and Appendix CC–2, Subarticle 2 Sections 4384, 4385, and 4407, and Appendix CC–E–1, Subarticle 3 Sections 4420, 4421, 4422, 4423, 4424, 4425, 4426, 4428, 4429, 4430, 4431, 4434, 4435, 4436, 4437, 4438, 4439, 4440, 4441, 4442, 4443, 4444, 4445, 4446, 4450, 4451, 4452, 4453, 4455, 4456, 4457, 4458, 4459, 4460, 4461, 4463, 4464, 4465, 4468, 4469, 4470, 4471, 4474, 4475, 4475.2, 4475.5, 4475.7, 4476, 4476.5, 4477, 4478, 4479, 4480, 4481, 4482, 4483, 4484, 4485, 4486, 4492, 4493, 4494, 4496, 4497, 4498, 4498.5, 4500, 4501.7, 4505, and 4506, Appendix CC–M–1 and Appendix CC–M–2, Table CC–M–3 and Table CC–M–4, Subarticle 4 Section 4517, and Appendix CC–P–1 and Appendix CC–P–2; Article 3.5 Sections 4535 and 4536.

Comparable Federal Statutes or Regulations

NONE.

Policy Statement Overview

The Manufactured Housing Program within HCD is responsible for adopting and enforcing preemptive state regulations for the construction, alteration, manufacture, conversion, sale, rent or lease of manufactured homes, multifamily manufactured homes, mobilehomes, commercial modulars and special purpose commercial modulars within the State of California. The program staff performs activities on behalf of the U.S. Department of Housing and Urban Development, as a State Administrative Agency. HCD's mission includes promoting both safety and affordability of housing and related structures in California.

HCD is proposing to adopt, amend or repeal various regulation sections within CCR, Title 25, Sections 4000 through 4876, not consecutive, related to the Manufactured Housing Act of 1980, HSC Sections 18000 through 18153.

Disclosures Regarding the Proposed Action

HCD has made the following initial determinations:

- Mandate on local agencies and school districts: NONE.
- Costs or savings to any state agencies: NONE.
- Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.
- Other nondiscretionary costs or savings imposed on local agencies: NONE.
- Costs or savings in federal funding to the State: NONE.
- Significant effect on housing costs: NONE.

Business Impact Statement

HCD has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. Industry has estimated that adoption of the CBSCode would add approximately seven to eight percent (7–8%) to the selling price of commercial modular units. This is an initial cost increase as production methods are updated to meet the new standards. The initial cost increase will be reduced as the process becomes standardized in the factories.

However, there exists the need to adopt these regulations to alleviate a potential adverse economic impact on business, should businesses continue to manufacture structures for use in California without a consistent set of up-to-date statewide standards. Businesses that manufacture structures impacted by this regulatory action will be aided by greater acceptance of their prod-

uct(s) by the local enforcement agencies, that are more familiar with enforcement of the CBSCode, are not mandated to allow the installation of commercial modulars and special purpose commercial modulars, and will more readily accept the product(s) as equivalent to site-constructed buildings.

Small Business Impact Statement

HCD has made an initial determination that the proposed regulatory action may have an impact on small businesses.

Cost Impact on Representative Private Person(s) or Business(es)

The HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action outside of the additional estimate of a seven to eight percent (7–8%) cost increase to the purchaser of commercial modular units during the initial phase of compliance with the new standards.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

HCD has determined that this regulatory proposal will not have a significant impact on the creation nor cause the elimination of jobs, will not result in the elimination of existing businesses nor affect the creation or expansion of businesses currently doing business in the State of California.

Consideration of Alternatives

HCD must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of HCD, will be more effective in carrying out the purpose for which this regulatory action is proposed or will be as effective and less burdensome to affected private persons than the proposed action. HCD invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period. HCD is unaware of any alternative that will be as effective as and less burdensome to affected private persons than the proposed action.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to HCD. All written comments must be received at HCD's office no later than 5:00 p.m. on **January 17, 2011** in order to be considered.

Written comments may be submitted by regular mail, electronic mail (e-mail), facsimile transmission or hand-delivery as follows:

By mail to: Department of Housing and
Community Development
Division of Codes and
Standards
P.O. Box 31
Sacramento, CA 95812-0031
ATTN: Keisha Wickham

By e-mail to: kwickham@hcd.ca.gov
By facsimile to: (916) 327-4712
ATTN: Keisha Wickham

By hand-delivery to: HCD — Headquarters
1800 3rd Street, Room 260
Sacramento, CA 95811
ATTN: Keisha Wickham or
Kevin Cimini

AVAILABILITY OF DOCUMENTS AND CONTACTS

HCD has prepared an *Initial Statement of Reasons* for the proposed regulatory action that has available all the information upon which the proposal is based. Copies of the rulemaking file, including the exact language of the proposed regulations, *Initial Statement of Reasons*, the *Final Statement of Reasons* (when available) and other information, if any, may be obtained upon request from HCD at the following location, mailing address or from the contact person listed below:

Department of Housing and Community
Development
Division of Codes and Standards
1800 3rd Street, Room 260
Sacramento, California 95811

P.O. Box 31
Sacramento, California 95812-0031

In addition, this Notice, the exact language of the proposed regulations and the *Initial Statement of Reasons* may be found on HCD's website at <http://www.hcd.ca.gov/codes/mhp/>.

Questions regarding the substance of this regulatory proposal may be directed to the main contact person:

Mr. Kevin Cimini, Supervisor
Manufactured Housing and Factory-Built Housing
Programs
Telephone: (916) 445-3338
Fax: (916) 327-4712
E-mail: kcimini@hcd.ca.gov

Questions regarding the regulatory process may be directed to back-up contact person:

Ms. Keisha Wickham, Associate Governmental
Program Analyst
Telephone: (916) 322-1473 or TDD
Phones: 1 (800) 735-2929
Fax: (916) 327-4712
E-mail: kwickham@hcd.ca.gov

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the 45-day public comment period, HCD may adopt substantially related proposals or may modify the proposals if the modifications are sufficiently related to the original text. The text of any modified proposal, with the exception of minor technical or grammatical changes, will be made available from the contact person(s) designated in this Notice. The modified text will be available for at least a 15-day comment period pursuant to Government Code Section 11346.8 prior to adoption and mailed to those persons who have submitted written or oral testimony related to this proposal or who have requested notification of any changes to the proposal. HCD will accept written comments on the modified regulations during the 15-day period.

PUBLIC HEARING

HCD HAS NOT SCHEDULED A PUBLIC HEARING ON THIS PROPOSED ACTION

However, HCD will hold a hearing if a written request for a public hearing is received from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

The public hearing facilities will be accessible to individuals with disabilities. Any additional services required, please notify the contact person named in this notice at least 10 working days prior to the public hearing.

If Paratransit services are needed, please contact them at (916) 429-2744, TDD (916) 429-2568 in Sacramento. Sacramento Regional Transit has public transit available the day of the public hearing. For possible routes contact Sacramento Regional Transit at (916) 321-BUSS (2877); for hearing impaired (916) 483-HEAR (4327), or on-line at www.sacrt.com.

**TITLE 25. DEPARTMENT OF
HOUSING AND COMMUNITY
DEVELOPMENT**

NOTICE OF PROPOSED RULEMAKING

**DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT
CALIFORNIA CODE OF REGULATIONS,
TITLE 25, DIVISION 1,
CHAPTER 4, SUBCHAPTER 1**

NOTICE IS HEREBY GIVEN that the California Department of Housing and Community Development (HCD) proposes to amend existing regulations and adopt new regulations governing the Occupational Licensing (OL) program.

AUTHORITY AND REFERENCE

Health and Safety Code (HSC) Sections 18000, 18015 and 18031 grant HCD the authority to adopt regulations pertaining to the manufacture and sale or use of manufactured homes, multifamily manufactured homes, mobilehomes and commercial modulars within the State of California, the issuing of occupational licenses, enforcing licensee education requirements and the establishment of a fee schedule governing the OL Program.

These regulations implement, interpret and make specific HSC Sections 18001.8, 18008.7, 18015, 18031, 18045, 18045.5, 18045.6, 18050, 18050.5, 18050.7, 18052.6, 18052.7, 18053.5 and 18056.

INFORMATIVE DIGEST

Summary of Existing Laws

The Manufactured Housing Act of 1980 commencing with HSC Section 18000 governs the construction, registration and titling and occupational licensing of manufactured homes, multifamily manufactured homes, mobilehomes and commercial modulars for sale or use within the State of California.

Summary of Existing Regulations

The OL program consists of five elements: licensing, consumer complaint handling, preliminary and continuing education, enforcement and the Manufactured Home Recovery Fund. The OL program licenses and approves manufactured home, multifamily manufactured home and commercial modular manufacturers, dealers, salespersons, 90-day Certificate holders, course providers and course instructors. The program is

responsible for examinations, forms, procedures, policy, rulemaking and legislation involving the above five elements.

In order to implement, interpret, clarify and otherwise carry-out state law, regulations are promulgated by HCD. The OL program regulation requirements for businesses and the manufacturing, selling or leasing of manufactured homes, multifamily manufactured homes, mobilehomes and commercial modulars are contained in the California Code of Regulations (CCR), Title 25, Division 1, Chapter 4, Subchapter 1.

Summary of Effect of Proposed Regulatory Action

HCD proposes to amend Section 5002 by adding additional definitions in order to clarify and make specific statutory and regulatory referenced relating to all dealer and manufacturer licenses.

HCD proposes to amend Section 5010 to clarify that all in-state and out-of-state ABLs for licensed manufacturers are subject to California Manufactured Housing licensing laws and regulations, including license and renewal fees. The proposed language amendments remove any conflict with HSC Section 18045, which requires any person acting as a licensee within the State of California to have a license or temporary permit.

HCD proposes to amend Section 5040 to clarify that the fees for an original manufacturer or dealer license also apply to new additional business locations and to a change of a main business location.

In addition, amendments are made to correct typographical errors, syntax, grammar and punctuation.

Summary of Sections Affected

The specific sections of CCR, Title 25, Division 1, Chapter 4, Subchapter 1 to be amended are Sections 5002, 5010 and 5040.

Comparable Federal Statutes or Regulations

None.

Policy Statement Overview

The OL program licenses and approves manufactured home, multifamily manufactured home, mobilehome and commercial modular manufacturers, dealers, salespersons, 90-day Certificate holders, course providers, course instructors and courses. The program is responsible for examinations, forms, procedures, policy, rulemaking, and legislation involving any of its elements.

HCD is proposing to amend regulation Sections 5002, 5010 and 5040 within the CCR, Title 25 related to the Health and Safety Code Sections 18000 through 18153.

Disclosures Regarding the Proposed Action

HCD has made the following initial determinations:

- Mandate on local agencies and school districts: NONE.

- Costs or savings to any state agencies: NONE.
- Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.
- Other nondiscretionary costs or savings imposed on local agencies: NONE.
- Costs or savings in federal funding to the State: NONE.
- Significant effect on housing costs: NONE.

Business Impact Statement

HCD has made an initial determination that the proposed regulatory action will not have a significant state-wide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. Fees have always been collected for each business location. This regulatory proposal provides clarity as to which location is the “main” business location and which location is the “secondary” business location.

Small Business Impact Statement

HCD has made an initial determination that small businesses will not be affected by this regulatory action. The license fee for additional business locations has always been collected for existing licensed manufacturers and dealers.

Cost Impact on Representative Private Person(s) or Business(es)

The HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- **The creation or elimination of jobs within the State of California.**
These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.
- **The creation of new businesses or the elimination of existing businesses within the State of California.**
These regulations will not affect the creation or the elimination of existing business within the State of California.

- **The expansion of businesses currently doing business within the State of California.**
These regulations will not affect the expansion of businesses currently doing business within the State of California.

Consideration of Alternatives

HCD has determined that there are no reasonable alternatives or other options that have been identified and brought to the attention of HCD that will be more effective in carrying out the purpose for which this regulatory action is proposed. HCD is unaware of any alternative that will be as effective as and less burdensome to affected private persons than the proposed action.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to HCD. All written comments must be received at this office **no later than 5:00 p.m. on January 17, 2011**, in order to be considered.

Written comments may be submitted by regular mail, electronic mail (e-mail), facsimile transmission or hand-delivery as follows:

By mail to: Department of Housing and
Community Development
Division of Codes and
Standards
P.O. Box 1407
Sacramento, CA 95812-1407
ATTN: Keisha Wickham

By e-mail to: kwickham@hcd.ca.gov
By facsimile to: (916) 327-4712
ATTN: Keisha Wickham

By hand-delivery to: HCD — Headquarters
1800 3rd Street, Room 260
Sacramento, CA 95811
ATTN: Keisha Wickham or
Mike Salanoa

AVAILABILITY OF DOCUMENTS AND CONTACTS

HCD has prepared an Initial Statement of Reasons (ISOR) for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the rulemaking file, including the exact language of the proposed regulations, Initial Statement of Reasons, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from HCD at the following loca-

tion, mailing address or from the contact person listed below:

Department of Housing and Community
Development
Division of Codes and Standards
1800 3rd Street, Room 260
Sacramento, California 95811

P.O. Box 31
Sacramento, California 95812-0031

In addition, this Notice, the exact language of the proposed regulations and the Initial Statement of Reasons may be found on HCD's website at <http://www.hcd.ca.gov/codes/ol/>.

Questions regarding the substance of the regulatory process may be directed to the main contact person:

Mr. Michael Salanoa, Occupational Licensing
Program Manager
Telephone: (916) 323-9803
Fax: (916) 327-4712
E-mail: msalanoa@hcd.ca.gov

Questions regarding the substance of this regulatory proposal may be directed to the back-up contact person:

Keisha Wickham, Associate Governmental
Program Analyst
Telephone: (916) 322-1473
Fax: (916)-327-4712
E-mail: kwickham@hcd.ca.gov

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the 45-day public comment period, HCD may adopt substantially related proposals or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of minor technical or grammatical changes, the text of any modified proposal will be made available from the contact person(s) designated in this Notice for at least a 15-day comment period pursuant to Government Code Section 11346.8 prior to adoption and will be mailed to those persons who have submitted written or oral testimony related to this proposal or who have requested notification of any changes to the proposal. HCD will accept written comments on the modified regulations during the 15-day period.

PUBLIC HEARING

HCD HAS NOT SCHEDULED A PUBLIC HEARING ON THIS PROPOSED ACTION

However, HCD will hold a hearing if a written request for a public hearing is received from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

The public hearing facilities will be accessible to individuals with disabilities. Any additional services required, please notify the contact person named in this notice at least 10 working days prior to the public hearing.

If Paratransit services are needed, please contact them at (916) 429-2744, TDD (916) 429-2568 in Sacramento. Sacramento Regional Transit has public transit available the day of the public hearing. For possible routes contact Sacramento Regional Transit at (916) 321-BUSS (2877); for hearing impaired (916) 483-HEAR (4327), or on-line at www.sacrt.com.

GENERAL PUBLIC INTEREST

TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or CEIR has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367
Bay Recycling
800 77th Avenue
Oakland, CA 94621
C & C Disposal Service
P.O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P.O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

tified in the Master Plan and Airport Layout Plan, at the Santa Maria Airport (SMX), in the City of Santa Maria, Santa Barbara County, California. The Santa Maria Public Airport Master Plan Update — Phase I Projects (Project) have five primary objectives: (1) to meet the air transportation needs of the local residential and business sectors; (2) to support the economic well-being of Santa Maria; (3) to develop a facility that meets Federal Aviation Administration (FAA) standards; (4) to accommodate forecasted demands of the facility; and (5) to balance the development of SMX with environmental protection requirements. The Project consists of the following proposed actions:

- Paving a 1700-ft. extension of Runway 12/30 and west parallel Taxiway A;
- Grading of a 1,000-foot Runway Safety Area (RSA) and Object Free Area (OFA) at the end of Runway 12;
- Relocation of the Instrument Landing System and Glide Slope Indicator;
- Relocation of the perimeter fence near the extended runway;
- Paving of a new service road parallel to the relocated perimeter fence;
- Construction of a new Airport Rescue Firefighting Station (ARFF), rental car wash area, fuel facility, and parking structure;
- Construction of a new storm drain system; and
- Construction of an equipment staging area.

The Project activities described above are expected to incidentally take¹ California tiger salamander (CTS, *Ambystoma californiense*), specifically, CTS belonging to the western Santa Maria subpopulation. In particular, CTS could be killed as a result of grading and ground compaction activities as burrows are crushed or inhabitants of burrows are buried, or CTS could be caught or captured due to capture and relocation activities. CTS is designated as an endangered species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and a threatened species pursuant to the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G).)

CTS individuals are documented as present in three known breeding ponds within 1.28 miles, 1.29 miles, and 1.25 miles of the Project site as shown on the United States Fish and Wildlife Service's (Service) Santa Barbara County DPS California Tiger Salamander Habitat Map, August 2009. CTS individuals may also be present in two potential breeding ponds within 0.68 mile and 0.88 mile of the Project site. The Service deter-

DEPARTMENT OF FISH AND GAME

CALIFORNIA ENDANGERED SPECIES ACT INCONSISTENCY DETERMINATION NO. 2080-2010-054-05

Project: Santa Maria Public Airport Master Plan Update — Phase I Projects

Location: Santa Barbara County

Applicant: Santa Maria Public Airport District

Notifier: Chris Hastert, General Manager

Background

The Santa Maria Public Airport District (Applicant) proposes to construct and operate Phase I projects, iden-

¹Pursuant to Fish and Game Code section 86, "Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill."

mined that CTS is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of CTS. According to the Service, the Project will result in the permanent loss of approximately 77 acres of suitable upland and dispersal CTS habitat.

Because the Project is expected to result in take of a species designated as endangered under the federal ESA, the Federal Aviation Administration (FAA) consulted with the Service as required by the ESA. On December 10, 2009, the Service issued a biological opinion (Service file No. 8-8-09-F-63) (BO) to the FAA. The BO describes the Project, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates 24 minimization measures developed to minimize impacts to CTS. The minimization measures for CTS include:

- Preconstruction surveys for CTS and capture and relocation of all CTS found;
- Worker awareness training for all personnel working on the Project site;
- A Service-approved biologist on-site during training and surveys with authority to stop work activities if a CTS is encountered;
- A monitor trained by the Service-approved biologist on-site after initial training and surveys have been conducted;
- Inspection or covering of any trenches left open overnight; and
- Installation of exclusion silt fencing to prevent CTS from entering the Project site after preconstruction surveys and capture and relocation.

On October 19, 2010, the Director of the Department of Fish and Game (DFG) received a notice from Chris Hastert on behalf of the Applicant requesting a determination pursuant to Fish and Game Code Section 2080.1 that the BO and its related ITS are consistent with CESA for purposes of the Project and CTS. (Cal. Reg. Notice Register 2010, No. 45-Z, p. 1883.)

Determination

After review and consideration of the BO, including its ITS, DFG has determined that the BO and ITS are **not consistent** with CESA because the required mea-

sures do not meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b)(2) and (b)(4) for authorizing incidental take of CESA-listed species. This determination is based on the following considerations:

- The BO does not ensure that impacts to CTS from construction and operation of the Project will be fully mitigated. Specifically, because the BO does not require the applicant to provide any compensatory habitat to mitigate for the loss of approximately 77 acres of suitable upland and dispersal CTS habitats, the Department finds the BO does not contain measures necessary to fully mitigate for the take of CTS. Without such mitigation measures, DFG cannot find that the impacts of authorized take will be fully mitigated as required pursuant to Fish and Game Code section 2081, subdivision (b)(2).
- Performance security (ensured funding) is not required in the BO for the minimization measures required in the BO, measures that will mitigate impacts of authorized take, or monitoring compliance with and effectiveness of those measures. Without performance security DFG cannot find that adequate funding will be ensured to implement these measures as required pursuant to Fish and Game Code section 2081, subdivision (b)(4).

For these reasons, the BO does not meet the requirements of Fish and Game Code section 2081, subdivisions (b)(2) and (b)(4) to minimize and fully mitigate impacts and ensure adequate funding to carry out all required mitigation. Therefore, the Department has determined that the BO, including its ITS, is not consistent with CESA as it pertains to incidental take of CTS by the Applicant during implementation of the Project because it does not ensure that impacts to CTS will be minimized and fully mitigated. Pursuant to Fish and Game Code section 2080.1, subdivision (c), with this determination the incidental take of CTS resulting from implementation of the Project may only be authorized by the Department through the issuance of an incidental take permit pursuant to Fish and Game Code section 2081, subdivision (b).

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(Proposition 65)**

**NOTICE TO INTERESTED PARTIES
December 3, 2010**

**A CHEMICAL LISTED EFFECTIVE DECEMBER
3, 2010 AS KNOWN TO THE STATE OF
CALIFORNIA TO CAUSE
REPRODUCTIVE TOXICITY**

The Office of Environmental Health Hazard Assessment (OEHHA) is adding one chemical to the list of chemicals known to the State to cause reproductive toxicity for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65¹). The chemical is *avermectin B1 (abamectin)* (CAS No. 71751-41-2). *Avermectin B1 (abamectin)* is listed effective **December 3, 2010**.

Avermectin B1 (abamectin) (CAS No. 71751-41-2) is being listed as a chemical known to the State of California to cause developmental toxicity. The listing of *Avermectin B1 (abamectin)* is based on its formal identification by an authoritative body² (the U.S. Environmental Protection Agency (U.S. EPA)), as a chemical causing developmental toxicity. The criteria used by OEHHA for the listing of chemicals under the “authoritative bodies” mechanism can be found in Title 27, Cal. Code of Regs., section 25306.

The Notice of Intent to List *Avermectin B1 (abamectin)* (CAS No. 71751-41-2) was published in the June 27, 2008 issue of the *California Regulatory Notice Register* (Register 2008, No. 26-Z). That notice includes a discussion of the information relied on by OEHHA in making the determination that *Avermectin B1 (abamectin)* meets the criteria for administrative listing.

¹ Health and Safety Code section 25249.5 et seq.

² See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., Section 25306.

OEHHA generally strives to propose a safe-harbor level pursuant to Title 27, Cal. Code of Regs., section 25801, within one year of the listing of a chemical if sufficient data are available for calculating a level. Because of the importance of this chemical to California’s agriculture industry, there is a particular need to adopt a safe-harbor level to provide regulatory certainty. OEHHA is committed to providing a safe-harbor level for avermectin B1 by no later than December 2011.

A complete, updated chemical list is published in this issue of the *California Regulatory Notice Register* and is available on the OEHHA website at www.oehha.ca.gov.

In summary, the following chemical is being listed under Proposition 65 *as known to the State to cause reproductive toxicity*:

Reproductive toxicity

| Chemical | CAS No. | Toxicological Endpoints | Listing Mechanism ³ |
|---------------------------|------------|-------------------------|--------------------------------|
| Avermectin B1 (abamectin) | 71751-41-2 | developmental toxicity | AB |

³ Listing mechanism: AB —“authoritative bodies” mechanism (Title 27 Cal. Code of Regs., section 25306).

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**California Environmental Protection Agency
Office of Environmental Health
Hazard Assessment**

**Safe Drinking Water and Toxic Enforcement
Act of 1986
(Proposition 65)**

**Candidates for Listing via the Authoritative
Bodies Mechanism Found Not to Meet the
Regulatory Criteria for Reproductive Toxicity**

**Thiabendazole (CAS No. 148-79-8)
Thiabendazole hypophosphate salt
(CAS No. 28558-32-9)
Imazalil (CAS No. 35554-44-0)**

December 3, 2010

On June 27, 2008, the Office of Environmental Health Hazard Assessment (OEHHA) published requests for relevant information with regard to the possible listing of three chemicals under Proposition 65 as known to cause reproductive toxicity: thiabendazole (CAS No. 148-79-8), thiabendazole hypophosphate salt (CAS No. 28558-32-9) and imazalil (CAS No.

35554-44-0). The request notices were published in the *California Regulatory Notice Register* (Register 2008, No. 26-Z).

The possible listings were based on publications by the U.S. Environmental Protection Agency, a Proposition 65 authoritative body specified in Title 27, California Code of Regulations section 25306(l). OEHHA has determined that there is insufficient evidence that the criteria in the regulation for these chemicals have been met. Therefore, OEHHA will not proceed at this time with the Proposition 65 listing process for thiabendazole, thiabendazole hypophosphate salt and imazalil as known to cause reproductive toxicity.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH

HAZARD ASSESSMENT SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER OR REPRODUCTIVE TOXICITY December 3, 2010

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikeout were placed on the list with the date noted, and have subsequently been removed.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

| <u>Chemical</u> | <u>CAS Number</u> | <u>Date</u> |
|---|-------------------|-------------------|
| A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole) | 26148-68-5 | January 1, 1990 |
| Acetaldehyde | 75-07-0 | April 1, 1988 |
| Acetamide | 60-35-5 | January 1, 1990 |
| Acetochlor | 34256-82-1 | January 1, 1989 |
| 2-Acetylaminofluorene | 53-96-3 | July 1, 1987 |
| Acifluorfen sodium | 62476-59-9 | January 1, 1990 |
| Acrylamide | 79-06-1 | January 1, 1990 |
| Acrylonitrile | 107-13-1 | July 1, 1987 |
| Actinomycin D | 50-76-0 | October 1, 1989 |
| AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide | 3688-53-7 | July 1, 1987 |
| Aflatoxins | — | January 1, 1988 |
| Alachlor | 15972-60-8 | January 1, 1989 |
| Alcoholic beverages, when associated with alcohol abuse | — | July 1, 1988 |
| Aldrin | 309-00-2 | July 1, 1988 |
| <u>Allyl chloride</u> Delisted October 29, 1999 | 107-05-1 | January 1, 1990 |
| 2-Aminoanthraquinone | 117-79-3 | October 1, 1989 |
| p-Aminoazobenzene | 60-09-3 | January 1, 1990 |
| ortho-Aminoazotoluene | 97-56-3 | July 1, 1987 |
| 4-Aminobiphenyl (4-aminodiphenyl) | 92-67-1 | February 27, 1987 |
| 1-Amino-2,4-dibromoanthraquinone | 81-49-2 | August 26, 1997 |
| 3-Amino-9-ethylcarbazole hydrochloride | 6109-97-3 | July 1, 1989 |
| 2-Aminofluorene | 153-78-6 | January 29, 1999 |
| 1-Amino-2-methylantraquinone | 82-28-0 | October 1, 1989 |
| 2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole | 712-68-5 | July 1, 1987 |
| 4-Amino-2-nitrophenol | 119-34-6 | January 29, 1999 |
| Amitrole | 61-82-5 | July 1, 1987 |
| Amsacrine | 51264-14-3 | August 7, 2009 |
| Analgesic mixtures containing phenacetin | — | February 27, 1987 |
| Aniline | 62-53-3 | January 1, 1990 |

| <u>Chemical</u> | <u>CASNumber</u> | <u>Date</u> |
|--|------------------|--------------------|
| Aniline hydrochloride | 142-04-1 | May 15, 1998 |
| ortho-Anisidine | 90-04-0 | July 1, 1987 |
| ortho-Anisidine hydrochloride | 134-29-2 | July 1, 1987 |
| Antimony oxide (Antimony trioxide) | 1309-64-4 | October 1, 1990 |
| Anthraquinone | 84-65-1 | September 28, 2007 |
| Aramite | 140-57-8 | July 1, 1987 |
| Areca nut | — | February 3, 2006 |
| Aristolochic acids | — | July 9, 2004 |
| Arsenic (inorganic arsenic compounds) | — | February 27, 1987 |
| Asbestos | 1332-21-4 | February 27, 1987 |
| Auramine | 492-80-8 | July 1, 1987 |
| Azacitidine | 320-67-2 | January 1, 1992 |
| Azaserine | 115-02-6 | July 1, 1987 |
| Azathioprine | 446-86-6 | February 27, 1987 |
| Azobenzene | 103-33-3 | January 1, 1990 |
| Benthiavalicarb-isopropyl | 177406-68-7 | July 1, 2008 |
| Benz[a]anthracene | 56-55-3 | July 1, 1987 |
| Benzene | 71-43-2 | February 27, 1987 |
| Benzidine [and its salts] | 92-87-5 | February 27, 1987 |
| Benzidine-based dyes | — | October 1, 1992 |
| Benzo[b]fluoranthene | 205-99-2 | July 1, 1987 |
| Benzo[j]fluoranthene | 205-82-3 | July 1, 1987 |
| Benzo[k]fluoranthene | 207-08-9 | July 1, 1987 |
| Benzofuran | 271-89-6 | October 1, 1990 |
| Benzo[a]pyrene | 50-32-8 | July 1, 1987 |
| Benzotrichloride | 98-07-7 | July 1, 1987 |
| Benzyl chloride | 100-44-7 | January 1, 1990 |
| Benzyl violet 4B | 1694-09-3 | July 1, 1987 |
| Beryllium and beryllium compounds | — | October 1, 1987 |
| Betel quid with tobacco | — | January 1, 1990 |
| Betel quid without tobacco | — | February 3, 2006 |
| 2,2-Bis(bromomethyl)-1,3-propanediol | 3296-90-0 | May 1, 1996 |
| Bis(2-chloroethyl)ether | 111-44-4 | April 1, 1988 |
| N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine) | 494-03-1 | February 27, 1987 |
| Bischloroethyl nitrosourea (BCNU) (Carmustine) | 154-93-8 | July 1, 1987 |
| Bis(chloromethyl)ether | 542-88-1 | February 27, 1987 |
| Bis(2-chloro-1-methylethyl) ether, technical grade | — | October 29, 1999 |
| Bitumens, extracts of steam-refined and air refined | — | January 1, 1990 |
| Bracken fern | — | January 1, 1990 |
| Bromate | 15541-45-4 | May 31, 2002 |
| Bromochloroacetic acid | 5589-96-8 | April 6, 2010 |
| Bromodichloromethane | 75-27-4 | January 1, 1990 |
| Bromoethane | 74-96-4 | December 22, 2000 |
| Bromoform | 75-25-2 | April 1, 1991 |
| 1,3-Butadiene | 106-99-0 | April 1, 1988 |
| 1,4-Butanediol dimethanesulfonate (Busulfan) | 55-98-1 | February 27, 1987 |
| Butylated hydroxyanisole | 25013-16-5 | January 1, 1990 |
| beta-Butyrolactone | 3068-88-0 | July 1, 1987 |
| Cacodylic acid | 75-60-5 | May 1, 1996 |
| Cadmium and cadmium compounds | — | October 1, 1987 |
| Caffeic acid | 331-39-5 | October 1, 1994 |
| Captafol | 2425-06-1 | October 1, 1988 |
| Captan | 133-06-2 | January 1, 1990 |

| <i>Chemical</i> | <i>CAS Number</i> | <i>Date</i> |
|--|-------------------|-------------------|
| Carbaryl | 63-25-2 | February 5, 2010 |
| Carbazole | 86-74-8 | May 1, 1996 |
| Carbon black (airborne, unbound particles of respirable size) | 1333-86-4 | February 21, 2003 |
| Carbon tetrachloride | 56-23-5 | October 1, 1987 |
| Carbon-black extracts | — | January 1, 1990 |
| N-Carboxymethyl-N-nitrosourea | 60391-92-6 | January 25, 2002 |
| Catechol | 120-80-9 | July 15, 2003 |
| Ceramic fibers (airborne particles of respirable size) | — | July 1, 1990 |
| Certain combined chemotherapy for lymphomas | — | February 27, 1987 |
| Chlorambucil | 305-03-3 | February 27, 1987 |
| Chloramphenicol | 56-75-7 | October 1, 1989 |
| Chlordane | 57-74-9 | July 1, 1988 |
| Chlordecone (Kepone) | 143-50-0 | January 1, 1988 |
| Chlordimeform | 6164-98-3 | January 1, 1989 |
| Chlorendic acid | 115-28-6 | July 1, 1989 |
| Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight) | 108171-26-2 | July 1, 1989 |
| p-Chloroaniline | 106-47-8 | October 1, 1994 |
| p-Chloroaniline hydrochloride | 20265-96-7 | May 15, 1998 |
| Chlorodibromomethane <u>Delisted October 29, 1999</u> | 124-48-1 | January 1, 1990 |
| Chloroethane (Ethyl chloride) | 75-00-3 | July 1, 1990 |
| 1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) | 13010-47-4 | January 1, 1988 |
| (Lomustine) | | |
| 1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU) | 13909-09-6 | October 1, 1988 |
| Chloroform | 67-66-3 | October 1, 1987 |
| Chloromethyl methyl ether (technical grade) | 107-30-2 | February 27, 1987 |
| 3-Chloro-2-methylpropene | 563-47-3 | July 1, 1989 |
| 1-Chloro-4-nitrobenzene | 100-00-5 | October 29, 1999 |
| 4-Chloro-ortho-phenylenediamine | 95-83-0 | January 1, 1988 |
| p-Chloro-o-toluidine | 95-69-2 | January 1, 1990 |
| p-Chloro-o-toluidine, strong acid salts of | — | May 15, 1998 |
| 5-Chloro-o-toluidine and its strong acid salts | — | October 24, 1997 |
| Chloroprene | 126-99-8 | June 2, 2000 |
| Chlorothalonil | 1897-45-6 | January 1, 1989 |
| Chlorotrianisene | 569-57-3 | September 1, 1996 |
| Chlorozotocin | 54749-90-5 | January 1, 1992 |
| Chromium (hexavalent compounds) | — | February 27, 1987 |
| Chrysene | 218-01-9 | January 1, 1990 |
| C.I. Acid Red 114 | 6459-94-5 | July 1, 1992 |
| C.I. Basic Red 9 monohydrochloride | 569-61-9 | July 1, 1989 |
| C.I. Direct Blue 15 | 2429-74-5 | August 26, 1997 |
| C.I. Direct Blue 218 | 28407-37-6 | August 26, 1997 |
| C.I. Solvent Yellow 14 | 842-07-9 | May 15, 1998 |
| Ciclosporin (Cyclosporin A; Cyclosporine) | 59865-13-3 | January 1, 1992 |
| | 79217-60-0 | |
| Cidofovir | 113852-37-2 | January 29, 1999 |
| Cinnamyl anthranilate | 87-29-6 | July 1, 1989 |
| Cisplatin | 15663-27-1 | October 1, 1988 |
| Citrus Red No. 2 | 6358-53-8 | October 1, 1989 |
| Clofibrate | 637-07-0 | September 1, 1996 |
| Cobalt metal powder | 7440-48-4 | July 1, 1992 |
| Cobalt [II] oxide | 1307-96-6 | July 1, 1992 |

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|--|------------------|-------------------|
| Cobalt sulfate | 10124-43-3 | May 20, 2005 |
| Cobalt sulfate heptahydrate | 10026-24-1 | June 2, 2000 |
| Coke oven emissions | — | February 27, 1987 |
| Conjugated estrogens | — | February 27, 1987 |
| Creosotes | — | October 1, 1988 |
| para-Cresidine | 120-71-8 | January 1, 1988 |
| Cumene | 98-82-8 | April 6, 2010 |
| Cupferron | 135-20-6 | January 1, 1988 |
| Cycasin | 14901-08-7 | January 1, 1988 |
| Cyclophosphamide (anhydrous) | 50-18-0 | February 27, 1987 |
| Cyclophosphamide (hydrated) | 6055-19-2 | February 27, 1987 |
| Cytembena | 21739-91-3 | May 15, 1998 |
| D&C Orange No. 17 | 3468-63-1 | July 1, 1990 |
| D&C Red No. 8 | 2092-56-0 | October 1, 1990 |
| D&C Red No. 9 | 5160-02-1 | July 1, 1990 |
| D&C Red No. 19 | 81-88-9 | July 1, 1990 |
| Dacarbazine | 4342-03-4 | January 1, 1988 |
| Daminozide | 1596-84-5 | January 1, 1990 |
| Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone) | 117-10-2 | January 1, 1992 |
| Daunomycin | 20830-81-3 | January 1, 1988 |
| DDD (Dichlorodiphenyldichloroethane) | 72-54-8 | January 1, 1989 |
| DDE (Dichlorodiphenyldichloroethylene) | 72-55-9 | January 1, 1989 |
| DDT (Dichlorodiphenyltrichloroethane) | 50-29-3 | October 1, 1987 |
| DDVP (Dichlorvos) | 62-73-7 | January 1, 1989 |
| N,N' -Diacetylbenzidine | 613-35-4 | October 1, 1989 |
| 2,4-Diaminoanisole | 615-05-4 | October 1, 1990 |
| 2,4-Diaminoanisole sulfate | 39156-41-7 | January 1, 1988 |
| 4,4' -Diaminodiphenyl ether (4,4' -Oxydianiline) | 101-80-4 | January 1, 1988 |
| 2,4-Diaminotoluene | 95-80-7 | January 1, 1988 |
| Diaminotoluene (mixed) | — | January 1, 1990 |
| Diazoaminobenzene | 136-35-6 | May 20, 2005 |
| Dibenz[a,h]acridine | 226-36-8 | January 1, 1988 |
| Dibenz[a,j]acridine | 224-42-0 | January 1, 1988 |
| Dibenz[a,h]anthracene | 53-70-3 | January 1, 1988 |
| 7H-Dibenzo[c,g]carbazole | 194-59-2 | January 1, 1988 |
| Dibenzo[a,e]pyrene | 192-65-4 | January 1, 1988 |
| Dibenzo[a,h]pyrene | 189-64-0 | January 1, 1988 |
| Dibenzo[a,i]pyrene | 189-55-9 | January 1, 1988 |
| Dibenzo[a,l]pyrene | 191-30-0 | January 1, 1988 |
| Dibromoacetic acid | 631-64-1 | June 17, 2008 |
| 1,2-Dibromo-3-chloropropane (DBCP) | 96-12-8 | July 1, 1987 |
| 2,3-Dibromo-1-propanol | 96-13-9 | October 1, 1994 |
| Dichloroacetic acid | 79-43-6 | May 1, 1996 |
| p-Dichlorobenzene | 106-46-7 | January 1, 1989 |
| 3,3' -Dichlorobenzidine | 91-94-1 | October 1, 1987 |
| 3,3' -Dichlorobenzidine dihydrochloride | 612-83-9 | May 15, 1998 |
| 1,4-Dichloro-2-butene | 764-41-0 | January 1, 1990 |
| 3,3' -Dichloro-4,4' -diaminodiphenyl ether | 28434-86-8 | January 1, 1988 |
| 1,1-Dichloroethane | 75-34-3 | January 1, 1990 |
| Dichloromethane (Methylene chloride) | 75-09-2 | April 1, 1988 |
| 1,2-Dichloropropane | 78-87-5 | January 1, 1990 |
| 1,3-Dichloro-2-propanol (1,3-DCP) | 96-23-1 | October 8, 2010 |
| 1,3-Dichloropropene | 542-75-6 | January 1, 1989 |

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|--|---------------------------|-------------------|
| Diclofop-methyl | 51338-27-3 | April 6, 2010 |
| Dieldrin | 60-57-1 | July 1, 1988 |
| Dienestrol | 84-17-3 | January 1, 1990 |
| Diepoxybutane | 1464-53-5 | January 1, 1988 |
| Diesel engine exhaust | — | October 1, 1990 |
| Di(2-ethylhexyl)phthalate | 117-81-7 | January 1, 1988 |
| 1,2-Diethylhydrazine | 1615-80-1 | January 1, 1988 |
| Diethyl sulfate | 64-67-5 | January 1, 1988 |
| Diethylstilbestrol (DES) | 56-53-1 | February 27, 1987 |
| Diglycidyl resorcinol ether (DGRE) | 101-90-6 | July 1, 1989 |
| Dihydrosafrole | 94-58-6 | January 1, 1988 |
| Diisopropyl sulfate | 2973-10-6 | April 1, 1993 |
| 3,3'-Dimethoxybenzidine (ortho-Dianisidine) | 119-90-4 | January 1, 1988 |
| 3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride) | 20325-40-0 | October 1, 1990 |
| 3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine | — | June 11, 2004 |
| 3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine | — | June 11, 2004 |
| Dimethyl sulfate | 77-78-1 | January 1, 1988 |
| 4-Dimethylaminoazobenzene | 60-11-7 | January 1, 1988 |
| trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole | 55738-54-0 | January 1, 1988 |
| 7,12-Dimethylbenz(a)anthracene | 57-97-6 | January 1, 1990 |
| 3,3'-Dimethylbenzidine (ortho-Tolidine) | 119-93-7 | January 1, 1988 |
| 3,3'-Dimethylbenzidine dihydrochloride | 612-82-8 | April 1, 1992 |
| Dimethylcarbamoyl chloride | 79-44-7 | January 1, 1988 |
| 1,1-Dimethylhydrazine (UDMH) | 57-14-7 | October 1, 1989 |
| 1,2-Dimethylhydrazine | 540-73-8 | January 1, 1988 |
| Dimethylvinylchloride | 513-37-1 | July 1, 1989 |
| 3,7-Dinitrofluoranthene | 105735-71-5 | August 26, 1997 |
| 3,9-Dinitrofluoranthene | 22506-53-2 | August 26, 1997 |
| 1,6-Dinitropyrene | 42397-64-8 | October 1, 1990 |
| 1,8-Dinitropyrene | 42397-65-9 | October 1, 1990 |
| Dinitrotoluene mixture, 2,4-/2,6- | — | May 1, 1996 |
| 2,4-Dinitrotoluene | 121-14-2 | July 1, 1988 |
| 2,6-Dinitrotoluene | 606-20-2 | July 1, 1995 |
| Di-n-propyl isocinchomeronate (MGK Repellent 326) | 136-45-8 | May 1, 1996 |
| 1,4-Dioxane | 123-91-1 | January 1, 1988 |
| Diphenylhydantoin (Phenytoin) | 57-41-0 | January 1, 1988 |
| Diphenylhydantoin (Phenytoin), sodium salt | 630-93-3 | January 1, 1988 |
| Direct Black 38 (technical grade) | 1937-37-7 | January 1, 1988 |
| Direct Blue 6 (technical grade) | 2602-46-2 | January 1, 1988 |
| Direct Brown 95 (technical grade) | 16071-86-6 | October 1, 1988 |
| Disperse Blue 1 | 2475-45-8 | October 1, 1990 |
| Diuron | 330-54-1 | May 31, 2002 |
| Doxorubicin hydrochloride (Adriamycin) | 25316-40-9 | July 1, 1987 |
| Epichlorohydrin | 106-89-8 | October 1, 1987 |
| Erionite | 12510-42-8/ 66733-21-9 | October 1, 1988 |
| Estradiol 17B | 50-28-2 | January 1, 1988 |
| Estragole | 140-67-0 | October 29, 1999 |
| Estrogens, steroidal | — | August 19, 2005 |

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|--|------------------|-------------------|
| Estrone | 53-16-7 | January 1, 1988 |
| Estropipate | 7280-37-7 | August 26, 1997 |
| Ethinylestradiol | 57-63-6 | January 1, 1988 |
| Ethoprop | 13194-48-4 | February 27, 2001 |
| Ethyl acrylate | 140-88-5 | July 1, 1989 |
| Ethylbenzene | 100-41-4 | June 11, 2004 |
| Ethyl methanesulfonate | 62-50-0 | January 1, 1988 |
| Ethyl-4,4'-dichlorobenzilate | 510-15-6 | January 1, 1990 |
| Ethylene dibromide | 106-93-4 | July 1, 1987 |
| Ethylene dichloride (1,2-Dichloroethane) | 107-06-2 | October 1, 1987 |
| Ethylene oxide | 75-21-8 | July 1, 1987 |
| Ethylene thiourea | 96-45-7 | January 1, 1988 |
| Ethyleneimine | 151-56-4 | January 1, 1988 |
| Fenoxycarb | 72490-01-8 | June 2, 2000 |
| Folpet | 133-07-3 | January 1, 1989 |
| Formaldehyde (gas) | 50-00-0 | January 1, 1988 |
| 2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole | 3570-75-0 | January 1, 1988 |
| FumonisinB ₁ | 116355-83-0 | November 14, 2003 |
| Furan | 110-00-9 | October 1, 1993 |
| Furazolidone | 67-45-8 | January 1, 1990 |
| Furmecyclox | 60568-05-0 | January 1, 1990 |
| Fusarin C | 79748-81-5 | July 1, 1995 |
| Gallium arsenide | 1303-00-0 | August 1, 2008 |
| Ganciclovir | 82410-32-0 | August 26, 1997 |
| Gasoline engine exhaust (condensates/extracts) | — | October 1, 1990 |
| Gemfibrozil | 25812-30-0 | December 22, 2000 |
| Glasswool fibers (airborne particles of respirable size) | — | July 1, 1990 |
| Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole) | 67730-11-4 | January 1, 1990 |
| Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole) | 67730-10-3 | January 1, 1990 |
| Glycidaldehyde | 765-34-4 | January 1, 1988 |
| Glycidol | 556-52-5 | July 1, 1990 |
| Griseofulvin | 126-07-8 | January 1, 1990 |
| Gyromitrin (Acetaldehyde methylformylhydrazone) | 16568-02-8 | January 1, 1988 |
| HC Blue 1 | 2784-94-3 | July 1, 1989 |
| Heptachlor | 76-44-8 | July 1, 1988 |
| Heptachlor epoxide | 1024-57-3 | July 1, 1988 |
| Herbal remedies containing plant species of the genus Aristolochia | — | July 9, 2004 |
| Hexachlorobenzene | 118-74-1 | October 1, 1987 |
| Hexachlorocyclohexane (technical grade) | — | October 1, 1987 |
| Hexachlorodibenzodioxin | 34465-46-8 | April 1, 1988 |
| Hexachloroethane | 67-72-1 | July 1, 1990 |
| 2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer) | — | March 4, 2005 |
| Hexamethylphosphoramide | 680-31-9 | January 1, 1988 |
| Hydrazine | 302-01-2 | January 1, 1988 |
| Hydrazine sulfate | 10034-93-2 | January 1, 1988 |
| Hydrazobenzene (1,2-Diphenylhydrazine) | 122-66-7 | January 1, 1988 |
| 1-Hydroxyanthraquinone | 129-43-1 | May 27, 2005 |
| Indeno [1,2,3-cd]pyrene | 193-39-5 | January 1, 1988 |
| Indium phosphide | 22398-80-7 | February 27, 2001 |
| IQ (2-Amino-3-methylimidazo[4,5-f]quinoline) | 76180-96-6 | April 1, 1990 |
| Iprodione | 36734-19-7 | May 1, 1996 |

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|--|-------------------|-------------------|
| Iprovalicarb | 140923-17-7 | June 1, 2007 |
| | 140923-25-7 | |
| Iron dextran complex | 9004-66-4 | January 1, 1988 |
| Isobutyl nitrite | 542-56-3 | May 1, 1996 |
| Isoprene | 78-79-5 | May 1, 1996 |
| Isosafrole <u>Delisted December 8, 2006</u> | 120-58-1 | October 1, 1989 |
| Isoxaflutole | 141112-29-0 | December 22, 2000 |
| Lactofen | 77501-63-4 | January 1, 1989 |
| Lasiocarpine | 303-34-4 | April 1, 1988 |
| Lead acetate | 301-04-2 | January 1, 1988 |
| Lead and lead compounds | — | October 1, 1992 |
| Lead phosphate | 7446-27-7 | April 1, 1988 |
| Lead subacetate | 1335-32-6 | October 1, 1989 |
| Lindane and other hexachlorocyclohexane isomers | — | October 1, 1989 |
| Lynestrenol | 52-76-6 | February 27, 2001 |
| Mancozeb | 8018-01-7 | January 1, 1990 |
| Maneb | 12427-38-2 | January 1, 1990 |
| Marijuana smoke | — | June 19, 2009 |
| Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole) | 68006-83-7 | January 1, 1990 |
| Medroxyprogesterone acetate | 71-58-9 | January 1, 1990 |
| MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline) | 77094-11-2 | October 1, 1994 |
| MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline) | 77500-04-0 | October 1, 1994 |
| Melphalan | 148-82-3 | February 27, 1987 |
| Mepanipyrin | 110235-47-7 | July 1, 2008 |
| Merphalan | 531-76-0 | April 1, 1988 |
| Mestranol | 72-33-3 | April 1, 1988 |
| Metham sodium | 137-42-8 | November 6, 1998 |
| 8-Methoxypsoralen with ultraviolet A therapy | 298-81-7 | February 27, 1987 |
| 5-Methoxypsoralen with ultraviolet A therapy | 484-20-8 | October 1, 1988 |
| 2-Methylaziridine (Propyleneimine) | 75-55-8 | January 1, 1988 |
| Methylazoxymethanol | 590-96-5 | April 1, 1988 |
| Methylazoxymethanol acetate | 592-62-1 | April 1, 1988 |
| Methyl carbamate | 598-55-0 | May 15, 1998 |
| 3-Methylcholanthrene | 56-49-5 | January 1, 1990 |
| 5-Methylchrysene | 3697-24-3 | April 1, 1988 |
| 4,4' -Methylene bis(2-chloroaniline) | 101-14-4 | July 1, 1987 |
| 4,4' -Methylene bis(N,N-dimethyl)benzenamine | 101-61-1 | October 1, 1989 |
| 4,4' -Methylene bis(2-methylaniline) | 838-88-0 | April 1, 1988 |
| 4,4' -Methylenedianiline | 101-77-9 | January 1, 1988 |
| 4,4' -Methylenedianiline dihydrochloride | 13552-44-8 | January 1, 1988 |
| Methyleugenol | 93-15-2 | November 16, 2001 |
| Methylhydrazine and its salts | — | July 1, 1992 |
| Methyl iodide | 74-88-4 | April 1, 1988 |
| Methylmercury compounds | — | May 1, 1996 |
| Methyl methanesulfonate | 66-27-3 | April 1, 1988 |
| 2-Methyl-1-nitroanthraquinone (of uncertain purity) | 129-15-7 | April 1, 1988 |
| N-Methyl-N' -nitro-N-nitrosoguanidine | 70-25-7 | April 1, 1988 |
| N-Methylolacrylamide | 924-42-5 | July 1, 1990 |
| Methylthiouracil | 56-04-2 | October 1, 1989 |
| Metiram | 9006-42-2 | January 1, 1990 |
| Metronidazole | 443-48-1 | January 1, 1988 |
| Michler's ketone | 90-94-8 | January 1, 1988 |
| Mirex | 2385-85-5 | January 1, 1988 |

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|--|---------------------------|-------------------|
| Mitomycin C | 50-07-7 | April 1, 1988 |
| 3-Monochloropropane-1,2-diol (3-MCPD) | 96-24-2 | October 8, 2010 |
| Monocrotaline | 315-22-0 | April 1, 1988 |
| 5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone | 139-91-3 | April 1, 1988 |
| Mustard Gas | 505-60-2 | February 27, 1987 |
| MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone) | 77439-76-0 | December 22, 2000 |
| Nafenopin | 3771-19-5 | April 1, 1988 |
| Nalidixic acid | 389-08-2 | May 15, 1998 |
| Naphthalene | 91-20-3 | April 19, 2002 |
| 1-Naphthylamine | 134-32-7 | October 1, 1989 |
| 2-Naphthylamine | 91-59-8 | February 27, 1987 |
| Nickel (Metallic) | 7440-02-0 | October 1, 1989 |
| Nickel acetate | 373-02-4 | October 1, 1989 |
| Nickel carbonate | 3333-67-3 | October 1, 1989 |
| Nickel carbonyl | 13463-39-3 | October 1, 1987 |
| Nickel compounds | — | May 7, 2004 |
| Nickel hydroxide | 12054-48-7; 12125-56-3 | October 1, 1989 |
| Nickelocene | 1271-28-9 | October 1, 1989 |
| Nickel oxide | 1313-99-1 | October 1, 1989 |
| Nickel refinery dust from the pyrometallurgical process | — | October 1, 1987 |
| Nickel subsulfide | 12035-72-2 | October 1, 1987 |
| Niridazole | 61-57-4 | April 1, 1988 |
| Nitrapyrin | 1929-82-4 | October 5, 2005 |
| Nitrilotriacetic acid | 139-13-9 | January 1, 1988 |
| Nitrilotriacetic acid, trisodium salt monohydrate | 18662-53-8 | April 1, 1989 |
| 5-Nitroacenaphthene | 602-87-9 | April 1, 1988 |
| 5-Nitro-o-anisidine <u>Delisted December 8, 2006</u> | 99-59-2 | October 1, 1989 |
| o-Nitroanisole | 91-23-6 | October 1, 1992 |
| Nitrobenzene | 98-95-3 | August 26, 1997 |
| 4-Nitrobiphenyl | 92-93-3 | April 1, 1988 |
| 6-Nitrochrysene | 7496-02-8 | October 1, 1990 |
| Nitrofen (technical grade) | 1836-75-5 | January 1, 1988 |
| 2-Nitrofluorene | 607-57-8 | October 1, 1990 |
| Nitrofurazone | 59-87-0 | January 1, 1990 |
| 1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone | 555-84-0 | April 1, 1988 |
| N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide | 531-82-8 | April 1, 1988 |
| Nitrogen mustard (Mechlorethamine) | 51-75-2 | January 1, 1988 |
| Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride) | 55-86-7 | April 1, 1988 |
| Nitrogen mustard N-oxide | 126-85-2 | April 1, 1988 |
| Nitrogen mustard N-oxide hydrochloride | 302-70-5 | April 1, 1988 |
| Nitromethane | 75-52-5 | May 1, 1997 |
| 2-Nitropropane | 79-46-9 | January 1, 1988 |
| 1-Nitropyrene | 5522-43-0 | October 1, 1990 |
| 4-Nitropyrene | 57835-92-4 | October 1, 1990 |
| N-Nitrosodi-n-butylamine | 924-16-3 | October 1, 1987 |
| N-Nitrosodiethanolamine | 1116-54-7 | January 1, 1988 |
| N-Nitrosodiethylamine | 55-18-5 | October 1, 1987 |
| N-Nitrosodimethylamine | 62-75-9 | October 1, 1987 |
| p-Nitrosodiphenylamine | 156-10-5 | January 1, 1988 |
| N-Nitrosodiphenylamine | 86-30-6 | April 1, 1988 |
| N-Nitrosodi-n-propylamine | 621-64-7 | January 1, 1988 |

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|--|-------------------|--------------------|
| N-Nitroso-N-ethylurea | 759-73-9 | October 1, 1987 |
| 3-(N-Nitrosomethylamino)propionitrile | 60153-49-3 | April 1, 1990 |
| 4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone | 64091-91-4 | April 1, 1990 |
| N-Nitrosomethylethylamine | 10595-95-6 | October 1, 1989 |
| N-Nitroso-N-methylurea | 684-93-5 | October 1, 1987 |
| N-Nitroso-N-methylurethane | 615-53-2 | April 1, 1988 |
| N-Nitrosomethylvinylamine | 4549-40-0 | January 1, 1988 |
| N-Nitrosomorpholine | 59-89-2 | January 1, 1988 |
| N-Nitrosornicotine | 16543-55-8 | January 1, 1988 |
| N-Nitrosopiperidine | 100-75-4 | January 1, 1988 |
| N-Nitrosopyrrolidine | 930-55-2 | October 1, 1987 |
| N-Nitrososarcosine | 13256-22-9 | January 1, 1988 |
| o-Nitrotoluene | 88-72-2 | May 15, 1998 |
| Norethisterone (Norethindrone) | 68-22-4 | October 1, 1989 |
| Norethynodrel | 68-23-5 | February 27, 2001 |
| Ochratoxin A | 303-47-9 | July 1, 1990 |
| Oil Orange SS | 2646-17-5 | April 1, 1988 |
| Oral contraceptives, combined | — | October 1, 1989 |
| Oral contraceptives, sequential | — | October 1, 1989 |
| Oryzalin | 19044-88-3 | September 12, 2008 |
| Oxadiazon | 19666-30-9 | July 1, 1991 |
| Oxazepam | 604-75-1 | October 1, 1994 |
| Oxymetholone | 434-07-1 | January 1, 1988 |
| Oxythioquinox (Chinomethionat) | 2439-01-2 | August 20, 1999 |
| Palygorskite fibers (> 5µm in length) | 12174-11-7 | December 28, 1999 |
| Panfuran S | 794-93-4 | January 1, 1988 |
| Pentachlorophenol | 87-86-5 | January 1, 1990 |
| Phenacetin | 62-44-2 | October 1, 1989 |
| Phenazopyridine | 94-78-0 | January 1, 1988 |
| Phenazopyridine hydrochloride | 136-40-3 | January 1, 1988 |
| Phenesterin | 3546-10-9 | July 1, 1989 |
| Phenobarbital | 50-06-6 | January 1, 1990 |
| Phenolphthalein | 77-09-8 | May 15, 1998 |
| Phenoxybenzamine | 59-96-1 | April 1, 1988 |
| Phenoxybenzamine hydrochloride | 63-92-3 | April 1, 1988 |
| o-Phenylenediamine and its salts | 95-54-5 | May 15, 1998 |
| Phenyl glycidyl ether | 122-60-1 | October 1, 1990 |
| Phenylhydrazine and its salts | — | July 1, 1992 |
| o-Phenylphenate, sodium | 132-27-4 | January 1, 1990 |
| o-Phenylphenol | 90-43-7 | August 4, 2000 |
| PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine) | 105650-23-5 | October 1, 1994 |
| Polybrominated biphenyls | — | January 1, 1988 |
| Polychlorinated biphenyls | — | October 1, 1989 |
| Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight) | — | January 1, 1988 |
| Polychlorinated dibenzo-p-dioxins | — | October 1, 1992 |
| Polychlorinated dibenzofurans | — | October 1, 1992 |
| Polygeenan | 53973-98-1 | January 1, 1988 |
| Ponceau MX | 3761-53-3 | April 1, 1988 |
| Ponceau 3R | 3564-09-8 | April 1, 1988 |
| Potassium bromate | 7758-01-2 | January 1, 1990 |
| Pirimicarb | 23103-98-2 | July 1, 2008 |
| Primidone | 125-33-7 | August 20, 1999 |

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|--|------------------|-------------------|
| Procarbazine | 671-16-9 | January 1, 1988 |
| Procarbazine hydrochloride | 366-70-1 | January 1, 1988 |
| Procymidone | 32809-16-8 | October 1, 1994 |
| Progesterone | 57-83-0 | January 1, 1988 |
| Pronamide | 23950-58-5 | May 1, 1996 |
| Propachlor | 1918-16-7 | February 27, 2001 |
| 1,3-Propane sultone | 1120-71-4 | January 1, 1988 |
| Propargite | 2312-35-8 | October 1, 1994 |
| beta-Propiolactone | 57-57-8 | January 1, 1988 |
| Propoxur | 114-26-1 | August 11, 2006 |
| Propylene glycol mono- <i>t</i> -butyl ether | 57018-52-7 | June 11, 2004 |
| Propylene oxide | 75-56-9 | October 1, 1988 |
| Propylthiouracil | 51-52-5 | January 1, 1988 |
| Pyridine | 110-86-1 | May 17, 2002 |
| Quinoline and its strong acid salts | — | October 24, 1997 |
| Radionuclides | — | July 1, 1989 |
| Reserpine | 50-55-5 | October 1, 1989 |
| Residual (heavy) fuel oils | — | October 1, 1990 |
| Resmethrin | 10453-86-8 | July 1, 2008 |
| Riddelliine | 23246-96-0 | December 3, 2004 |
| <u>Saccharin Delisted April 6, 2001</u> | 81-07-2 | October 1, 1989 |
| <u>Saccharin, sodium Delisted January 17, 2003</u> | 128-44-9 | January 1, 1988 |
| Safrole | 94-59-7 | January 1, 1988 |
| Selenium sulfide | 7446-34-6 | October 1, 1989 |
| Shale-oils | 68308-34-9 | April 1, 1990 |
| Silica, crystalline (airborne particles of respirable size) | — | October 1, 1988 |
| Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils) | — | February 27, 1987 |
| Spirodiclofen | 148477-71-8 | October 8, 2010 |
| Spironolactone | 52-01-7 | May 1, 1997 |
| Stanozolol | 10418-03-8 | May 1, 1997 |
| Sterigmatocystin | 10048-13-2 | April 1, 1988 |
| Streptozotocin (streptozocin) | 18883-66-4 | January 1, 1988 |
| Strong inorganic acid mists containing sulfuric acid | — | March 14, 2003 |
| Styrene oxide | 96-09-3 | October 1, 1988 |
| Sulfallate | 95-06-7 | January 1, 1988 |
| Sulfasalazine (Salicylazosulfapyridine) | 599-79-1 | May 15, 1998 |
| Talc containing asbestiform fibers | — | April 1, 1990 |
| Tamoxifen and its salts | 10540-29-1 | September 1, 1996 |
| Terrazole | 2593-15-9 | October 1, 1994 |
| Testosterone and its esters | 58-22-0 | April 1, 1988 |
| 2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD) | 1746-01-6 | January 1, 1988 |
| 1,1,2,2-Tetrachloroethane | 79-34-5 | July 1, 1990 |
| Tetrachloroethylene (Perchloroethylene) | 127-18-4 | April 1, 1988 |
| p-a,a,a-Tetrachlorotoluene | 5216-25-1 | January 1, 1990 |
| Tetrafluoroethylene | 116-14-3 | May 1, 1997 |
| Tetranitromethane | 509-14-8 | July 1, 1990 |
| Thioacetamide | 62-55-5 | January 1, 1988 |
| 4,4' -Thiodianiline | 139-65-1 | April 1, 1988 |
| Thiodicarb | 59669-26-0 | August 20, 1999 |
| Thiouracil | 141-90-2 | June 11, 2004 |
| Thiourea | 62-56-6 | January 1, 1988 |
| Thorium dioxide | 1314-20-1 | February 27, 1987 |

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| <u>Chemical</u> | <u>CAS Number</u> | <u>Date</u> |
|--|-----------------------|----------------------------|
| Tobacco, oral use of smokeless products | — | April 1, 1988 |
| Tobacco smoke | — | April 1, 1988 |
| Toluene diisocyanate | 26471-62-5 | October 1, 1989 |
| ortho-Toluidine | 95-53-4 | January 1, 1988 |
| ortho-Toluidine hydrochloride | 636-21-5 | January 1, 1988 |
| para-Toluidine Delisted October 29, 1999 | 106-49-0 | January 1, 1990 |
| Toxaphene (Polychlorinated camphenes) | 8001-35-2 | January 1, 1988 |
| Toxins derived from <i>Fusarium moniliforme</i> (<i>Fusarium verticillioides</i>) | — | August 7, 2009 |
| Treosulfan | 299-75-2 | February 27, 1987 |
| Trichlormethine (Trimustine hydrochloride) | 817-09-4 | January 1, 1992 |
| Trichloroethylene | 79-01-6 | April 1, 1988 |
| 2,4,6-Trichlorophenol | 88-06-2 | January 1, 1988 |
| 1,2,3-Trichloropropane | 96-18-4 | October 1, 1992 |
| Trimethyl phosphate | 512-56-1 | May 1, 1996 |
| 2,4,5-Trimethylaniline and its strong acid salts | — | October 24, 1997 |
| 2,4,6-Trinitrotoluene (TNT) | 118-96-7 | December 19, 2008 |
| Triphenyltin hydroxide | 76-87-9 | July 1, 1992 |
| Tris(aziridiny)l-para-benzoquinone (Triaziquone) Delisted December 8, 2006 | 68-76-8 | October 1, 1989 |
| Tris(1-aziridiny)lphosphine sulfide (Thiotepa) | 52-24-4 | January 1, 1988 |
| Tris(2-chloroethyl) phosphate | 115-96-8 | April 1, 1992 |
| Tris(2,3-dibromopropyl)phosphate | 126-72-7 | January 1, 1988 |
| Trp-P-1 (Tryptophan-P-1) | 62450-06-0 | April 1, 1988 |
| Trp-P-2 (Tryptophan-P-2) | 62450-07-1 | April 1, 1988 |
| Trypan blue (commercial grade) | 72-57-1 | October 1, 1989 |
| Unleaded gasoline (wholly vaporized) | — | April 1, 1988 |
| Uracil mustard | 66-75-1 | April 1, 1988 |
| Urethane (Ethyl carbamate) | 51-79-6 | January 1, 1988 |
| Vanadium pentoxide (orthorhombic crystalline form) | 1314-62-1 | February 11, 2005 |
| Vinclozolin | 50471-44-8 | August 20, 1999 |
| Vinyl bromide | 593-60-2 | October 1, 1988 |
| Vinyl chloride | 75-01-4 | February 27, 1987 |
| 4-Vinylcyclohexene | 100-40-3 | May 1, 1996 |
| 4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide) | 106-87-6 | July 1, 1990 |
| Vinyl fluoride | 75-02-5 | May 1, 1997 |
| Vinyl trichloride (1,1,2-Trichloroethane) | 79-00-5 | October 1, 1990 |
| Wood dust | — | December 18, 2009 |
| 2,6-Xylidine (2,6-Dimethylaniline) | 87-62-7 | January 1, 1991 |
| Zalcitabine | 7481-89-2 | August 7, 2009 |
| Zidovudine (AZT) | 30516-87-1 | December 18, 2009 |
| Zileuton | 111406-87-2 | December 22, 2000 |
| Zineb Delisted October 29, 1999 | 12122-67-7 | January 1, 1990 |

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

| <u>Chemical</u> | <u>Type of Reproductive Toxicity</u> | <u>CAS No.</u> | <u>Date Listed</u> |
|----------------------|--|----------------|--------------------|
| Acetazolamide | developmental | 59-66-5 | August 20, 1999 |
| Acetohydroxamic acid | developmental | 546-88-3 | April 1, 1990 |
| Actinomycin D | developmental | 50-76-0 | October 1, 1992 |

| <u>Chemical</u> | <u>Type of Reproductive Toxicity</u> | <u>CAS No.</u> | <u>Date Listed</u> |
|---|--|-------------------|----------------------------------|
| All-trans retinoic acid | developmental | 302-79-4 | January 1, 1989 |
| Alprazolam | developmental | 28981-97-7 | July 1, 1990 |
| Altretamine | developmental, male | 645-05-6 | August 20, 1999 |
| Amantadine hydrochloride | developmental | 665-66-7 | February 27, 2001 |
| Amikacin sulfate | developmental | 39831-55-5 | July 1, 1990 |
| Aminoglutethimide | developmental | 125-84-8 | July 1, 1990 |
| tert-Amyl methyl ether | developmental | 994-05-8 | December 18, 2009 |
| Aminoglycosides | developmental | — | October 1, 1992 |
| Aminopterin | developmental, female | 54-62-6 | July 1, 1987 |
| Amiodarone hydrochloride | developmental, female, male | 19774-82-4 | August 26, 1997 |
| Amitraz | developmental | 33089-61-1 | March 30, 1999 |
| Amoxapine | developmental | 14028-44-5 | May 15, 1998 |
| Anabolic steroids | female, male | — | April 1, 1990 |
| Angiotensin converting enzyme (ACE) inhibitors | developmental | — | October 1, 1992 |
| Anisindione | developmental | 117-37-3 | October 1, 1992 |
| Arsenic (inorganic oxides) | developmental | — | May 1, 1997 |
| Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.) | developmental, female | 50-78-2 | July 1, 1990 |
| Atenolol | developmental | 29122-68-7 | August 26, 1997 |
| Auranofin | developmental | 34031-32-8 | January 29, 1999 |
| <u>Avermectin B1 (Abamectin)</u> | <u>developmental</u> | <u>71751-41-2</u> | <u>December 3, 2010</u> |
| Azathioprine | developmental | 446-86-6 | September 1, 1996 |
| Barbiturates | developmental | — | October 1, 1992 |
| Beclomethasone dipropionate | developmental | 5534-09-8 | May 15, 1998 |
| Benomyl | developmental, male | 17804-35-2 | July 1, 1991 |
| Benzene | developmental, male | 71-43-2 | December 26, 1997 |
| Benzodiazepines | developmental | — | October 1, 1992 |
| Benzphetamine hydrochloride | developmental | 5411-22-3 | April 1, 1990 |
| Bischloroethyl nitrosourea (BCNU) (Carmustine) | developmental | 154-93-8 | July 1, 1990 |
| Bromacil lithium salt | developmental male | 53404-19-6 | May 18, 1999 January 17, 2003 |
| 1-Bromopropane | developmental, female, male | 106-94-5 | December 7, 2004 |
| 2-Bromopropane | female, male | 75-26-3 | May 31, 2005 |
| Bromoxynil | developmental | 1689-84-5 | October 1, 1990 |
| Bromoxynil octanoate | developmental | 1689-99-2 | May 18, 1999 |
| Butabarbital sodium | developmental | 143-81-7 | October 1, 1992 |
| 1,3-Butadiene | developmental, female, male | 106-99-0 | April 16, 2004 |
| 1,4-Butanediol dimethane-sulfonate (Busulfan) | developmental | 55-98-1 | January 1, 1989 |
| Butyl benzyl phthalate (BBP) | developmental | 85-68-7 | December 2, 2005 |
| n-Butyl glycidyl ether | male | 2426-08-6 | August 7, 2009 |
| Cadmium | developmental, male | — | May 1, 1997 |
| Carbamazepine | developmental | 298-46-4 | January 29, 1999 |
| Carbaryl | developmental, male | 63-25-2 | August 7, 2009 |

| <u>Chemical</u> | <u>Type of Reproductive Toxicity</u> | <u>CAS No.</u> | <u>Date Listed</u> |
|---|--|----------------|--------------------|
| Carbon disulfide | developmental, female, male | 75-15-0 | July 1, 1989 |
| Carbon monoxide | developmental | 630-08-0 | July 1, 1989 |
| Carboplatin | developmental | 41575-94-4 | July 1, 1990 |
| Chenodiol | developmental | 474-25-9 | April 1, 1990 |
| Chlorambucil | developmental | 305-03-3 | January 1, 1989 |
| Chlorcyclizine hydrochloride | developmental | 1620-21-9 | July 1, 1987 |
| Chlordecone (Kepone) | developmental | 143-50-0 | January 1, 1989 |
| Chlordiazepoxide | developmental | 58-25-3 | January 1, 1992 |
| Chlordiazepoxide hydrochloride | developmental | 438-41-5 | January 1, 1992 |
| 1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine) | developmental | 13010-47-4 | July 1, 1990 |
| Chloroform | developmental | 67-66-3 | August 7, 2009 |
| 2-Chloropropionic acid | male | 598-78-7 | August 7, 2009 |
| Chlorsulfuron | developmental, female, male | 64902-72-3 | May 14, 1999 |
| Chromium (hexavalent compounds) | developmental, female, male | — | December 19, 2008 |
| Cidofovir | developmental, female, male | 113852-37-2 | January 29, 1999 |
| Cladribine | developmental | 4291-63-8 | September 1, 1996 |
| Clarithromycin | developmental | 81103-11-9 | May 1, 1997 |
| Clobetasol propionate | developmental, female | 25122-46-7 | May 15, 1998 |
| Clomiphene citrate | developmental | 50-41-9 | April 1, 1990 |
| Clorazepate dipotassium | developmental | 57109-90-7 | October 1, 1992 |
| Cocaine | developmental, female | 50-36-2 | July 1, 1989 |
| Codeine phosphate | developmental | 52-28-8 | May 15, 1998 |
| Colchicine | developmental, male | 64-86-8 | October 1, 1992 |
| Conjugated estrogens | developmental | — | April 1, 1990 |
| Cyanazine | developmental | 21725-46-2 | April 1, 1990 |
| Cycloate | developmental | 1134-23-2 | March 19, 1999 |
| Cyclohexanol | male | 108-93-0 | November 6, 1998 |
| <u>Delisted January 25, 2002</u> | | | |
| Cycloheximide | developmental | 66-81-9 | January 1, 1989 |
| Cyclophosphamide (anhydrous) | developmental, female, male | 50-18-0 | January 1, 1989 |
| phosphamide (hydrated) | developmental, female, male | 6055-19-2 | January 1, 1989 |
| Cyhexatin | developmental | 13121-70-5 | January 1, 1989 |
| Cytarabine | developmental | 147-94-4 | January 1, 1989 |
| Dacarbazine | developmental | 4342-03-4 | January 29, 1989 |
| Danazol | developmental | 17230-88-5 | April 1, 1990 |
| Daunorubicin hydrochloride | developmental | 23541-50-6 | July 1, 1990 |
| 2,4-D butyric acid | developmental, male | 94-82-6 | June 18, 1999 |
| o,p' -DDT | developmental, female, male | 789-02-6 | May 15, 1998 |
| p,p' -DDT | developmental, female, male | 50-29-3 | May 15, 1998 |
| 2,4 DP (dichloroprop) | developmental | 120-36-5 | April 27, 1999 |
| <u>Delisted January 25, 2002</u> | | | |
| Demeclocycline hydrochloride (internal use) | developmental | 64-73-3 | January 1, 1992 |
| Diazepam | developmental | 439-14-5 | January 1, 1992 |
| Diazoxide | developmental | 364-98-7 | February 27, 2001 |
| 1,2-Dibromo-3-chloropropane (DBCP) | male | 96-12-8 | February 27, 1987 |
| Di-n-butyl phthalate (DBP) | developmental, female, male | 84-74-2 | December 2, 2005 |
| Dichloroacetic acid | male | 79-43-6 | August 7, 2009 |
| 1,1-Dichloro-2,2-bis(p-chlorophenyl) ethylene (DDE) | developmental, male | 72-55-9 | March 30, 2010 |

| <u>Chemical</u> | <u>Type of Reproductive Toxicity</u> | <u>CAS No.</u> | <u>Date Listed</u> |
|---|--|---------------------------|--------------------|
| Dichlorophene | developmental | 97-23-4 | April 27, 1999 |
| Dichlorophenamide | developmental | 120-97-8 | February 27, 2001 |
| Diclofop methyl | developmental | 51338-27-3 | March 5, 1999 |
| Dicumarol | developmental | 66-76-2 | October 1, 1992 |
| Di(2-ethylhexyl)phthalate (DEHP) | developmental, male | 117-81-7 | October 24, 2003 |
| Diethylstilbestrol (DES) | developmental | 56-53-1 | July 1, 1987 |
| Diflunisal | developmental, female | 22494-42-4 | January 29, 1999 |
| Diglycidyl ether | male | 2238-07-5 | August 7, 2009 |
| Di- <i>n</i> -hexyl phthalate (DnHP) | female, male | 84-75-3 | December 2, 2005 |
| Dihydroergotamine mesylate | developmental | 6190-39-2 | May 1, 1997 |
| Di-isodecyl phthalate (DIDP) | developmental | 68515-49-1/ 26761-40-0 | April 20, 2007 |
| Diltiazem hydrochloride | developmental | 33286-22-5 | February 27, 2001 |
| N,N-Dimethylacetamide | developmental | 127-19-5 | May 21, 2010 |
| <i>m</i> -Dinitrobenzene | male | 99-65-0 | July 1, 1990 |
| <i>o</i> -Dinitrobenzene | male | 528-29-0 | July 1, 1990 |
| <i>p</i> -Dinitrobenzene | male | 100-25-4 | July 1, 1990 |
| 2,4-Dinitrotoluene | male | 121-14-2 | August 20, 1999 |
| 2,6-Dinitrotoluene | male | 606-20-2 | August 20, 1999 |
| Dinitrotoluene (technical grade) | female, male | — | August 20, 1999 |
| Dinocap | developmental | 39300-45-3 | April 1, 1990 |
| Dinoseb | developmental, male | 88-85-7 | January 1, 1989 |
| Diphenylhydantoin (Phenytoin) | developmental | 57-41-0 | July 1, 1987 |
| Disodium cyanodithioimidocarbonate | developmental | 138-93-2 | March 30, 1999 |
| Doxorubicin hydrochloride (Adriamycin) | developmental, male | 25316-40-9 | January 29, 1999 |
| Doxycycline (internal use) | developmental | 564-25-0 | July 1, 1990 |
| Doxycycline calcium (internal use) | developmental | 94088-85-4 | January 1, 1992 |
| Doxycycline hyclate (internal use) | developmental | 24390-14-5 | October 1, 1991 |
| Doxycycline monohydrate (internal use) | developmental | 17086-28-1 | October 1, 1991 |
| Endrin | developmental | 72-20-8 | May 15, 1998 |
| Environmental tobacco smoke (ETS) | developmental | — | June 9, 2006 |
| Epichlorohydrin | male | 106-89-8 | September 1, 1996 |
| Ergotamine tartrate | developmental | 379-79-3 | April 1, 1990 |
| Estropipate | developmental | 7280-37-7 | August 26, 1997 |
| Ethionamide | developmental | 536-33-4 | August 26, 1997 |
| Ethyl alcohol in alcoholic beverages | developmental | — | October 1, 1987 |
| Ethyl- <i>tert</i> -butyl ether | male | 637-92-3 | December 18, 2009 |
| Ethyl dipropylthiocarbamate | developmental | 759-94-4 | April 27, 1999 |
| Ethylene dibromide | developmental, male | 106-93-4 | May 15, 1998 |
| Ethylene glycol monoethyl ether | developmental, male | 110-80-5 | January 1, 1989 |
| Ethylene glycol monomethyl ether | developmental, male | 109-86-4 | January 1, 1989 |
| Ethylene glycol monoethyl ether acetate | developmental, male | 111-15-9 | January 1, 1993 |
| Ethylene glycol monomethyl ether acetate | developmental, male | 110-49-6 | January 1, 1993 |
| Ethylene oxide | female | 75-21-8 | February 27, 1987 |
| | developmental, male | | August 7, 2009 |
| Ethylene thiourea | developmental | 96-45-7 | January 1, 1993 |
| 2-Ethylhexanoic acid | developmental | 149-57-5 | August 7, 2009 |
| Etodolac | developmental, female | 41340-25-4 | August 20, 1999 |

| <u>Chemical</u> | <u>Type of Reproductive Toxicity</u> | <u>CAS No.</u> | <u>Date Listed</u> |
|-------------------------------|--|----------------|--------------------|
| Etoposide | developmental | 33419-42-0 | July 1, 1990 |
| Etretinate | developmental | 54350-48-0 | July 1, 1987 |
| Fenoxaprop ethyl | developmental | 66441-23-4 | March 26, 1999 |
| Filgrastim | developmental | 121181-53-1 | February 27, 2001 |
| Fluazifop butyl | developmental | 69806-50-4 | November 6, 1998 |
| Flunisolide | developmental, female | 3385-03-3 | May 15, 1998 |
| Fluorouracil | developmental | 51-21-8 | January 1, 1989 |
| Fluoxymesterone | developmental | 76-43-7 | April 1, 1998 |
| Flurazepam hydrochloride | developmental | 1172-18-5 | October 1, 1992 |
| Flurbiprofen | developmental, female | 5104-49-4 | August 20, 1999 |
| Flutamide | developmental | 13311-84-7 | July 1, 1990 |
| Fluticasone propionate | developmental | 80474-14-2 | May 15, 1998 |
| Fluvalinate | developmental | 69409-94-5 | November 6, 1998 |
| Ganciclovir | developmental, male | 82410-32-0 | August 26, 1997 |
| Ganciclovir sodium | developmental, male | 107910-75-8 | August 26, 1997 |
| Gemfibrozil | female, male | 25812-30-0 | August 20, 1999 |
| Goserelin acetate | developmental, female, male | 65807-02-5 | August 26, 1997 |
| Halazepam | developmental | 23092-17-3 | July 1, 1990 |
| Halobetasol propionate | developmental | 66852-54-8 | August 20, 1999 |
| Haloperidol | developmental, female | 52-86-8 | January 29, 1999 |
| Halothane | developmental | 151-67-7 | September 1, 1996 |
| Heptachlor | developmental | 76-44-8 | August 20, 1999 |
| Hexachlorobenzene | developmental | 118-74-1 | January 1, 1989 |
| Hexafluoroacetone | male | 684-16-2 | August 1, 2008 |
| Hexamethylphosphoramide | male | 680-31-9 | October 1, 1994 |
| Histrelin acetate | developmental | — | May 15, 1998 |
| Hydramethylnon | developmental, male | 67485-29-4 | March 5, 1999 |
| Hydroxyurea | developmental | 127-07-1 | May 1, 1997 |
| Idarubicin hydrochloride | developmental, male | 57852-57-0 | August 20, 1999 |
| Ifosfamide | developmental | 3778-73-2 | July 1, 1990 |
| Iodine-131 | developmental | 10043-66-0 | January 1, 1989 |
| Isotretinoin | developmental | 4759-48-2 | July 1, 1987 |
| Lead | developmental, female, male | — | February 27, 1987 |
| Leuprolide acetate | developmental, female, male | 74381-53-6 | August 26, 1997 |
| Levodopa | developmental | 59-92-7 | January 29, 1999 |
| Levonorgestrel implants | female | 797-63-7 | May 15, 1998 |
| Linuron | developmental | 330-55-2 | March 19, 1999 |
| Lithium carbonate | developmental | 554-13-2 | January 1, 1991 |
| Lithium citrate | developmental | 919-16-4 | January 1, 1991 |
| Lorazepam | developmental | 846-49-1 | July 1, 1990 |
| Lovastatin | developmental | 75330-75-5 | October 1, 1992 |
| Mebendazole | developmental | 31431-39-7 | August 20, 1999 |
| Medroxyprogesterone acetate | developmental | 71-58-9 | April 1, 1990 |
| Megestrol acetate | developmental | 595-33-5 | January 1, 1991 |
| Melphalan | developmental | 148-82-3 | July 1, 1990 |
| Menotropins | developmental | 9002-68-0 | April 1, 1990 |
| Meprobamate | developmental | 57-53-4 | January 1, 1992 |
| Mercaptopurine | developmental | 6112-76-1 | July 1, 1990 |
| Mercury and mercury compounds | developmental | — | July 1, 1990 |
| Methacycline hydrochloride | developmental | 3963-95-9 | January 1, 1991 |

| <u>Chemical</u> | <u>Type of Reproductive Toxicity</u> | <u>CAS No.</u> | <u>Date Listed</u> |
|--|--|---------------------|--------------------|
| Metham sodium | developmental | 137-42-8 | May 15, 1998 |
| Methazole | developmental | 20354-26-1 | December 1, 1999 |
| Methimazole | developmental | 60-56-0 | July 1, 1990 |
| Methotrexate | developmental | 59-05-2 | January 1, 1989 |
| Methotrexate sodium | developmental | 15475-56-6 | April 1, 1990 |
| Methyl bromide as a structural fumigant | developmental | 74-83-9 | January 1, 1993 |
| Methyl chloride | developmental | 74-87-3 | March 10, 2000 |
| | male | | August 7, 2009 |
| Methyl n-butyl ketone | male | 591-78-6 | August 7, 2009 |
| Methyl isocyanate (MIC) | developmental, female | 624-83-9 | November 12, 2010 |
| Methyl mercury | developmental | — | July 1, 1987 |
| N-Methylpyrrolidone | developmental | 872-50-4 | June 15, 2001 |
| Methyltestosterone | developmental | 58-18-4 | April 1, 1990 |
| Metiram | developmental | 9006-42-2 | March 30, 1999 |
| Midazolam hydrochloride | developmental | 59467-96-8 | July 1, 1990 |
| Minocycline hydrochloride (internal use) | developmental | 13614-98-7 | January 1, 1992 |
| Misoprostol | developmental | 59122-46-2 | April 1, 1990 |
| Mitoxantrone hydrochloride | developmental | 70476-82-3 | July 1, 1990 |
| Molinate | developmental, female, male | 2212-67-1 | December 11, 2009 |
| Myclobutanil | developmental, male | 88671-89-0 | April 16, 1999 |
| Nabam | developmental | 142-59-6 | March 30, 1999 |
| Nafarelin acetate | developmental | 86220-42-0 | April 1, 1990 |
| Neomycin sulfate (internal use) | developmental | 1405-10-3 | October 1, 1992 |
| Netilmicin sulfate | developmental | 56391-57-2 | July 1, 1990 |
| Nickel carbonyl | developmental | 13463-39-3 | September 1, 1996 |
| Nicotine | developmental | 54-11-5 | April 1, 1990 |
| Nifedipine | developmental, female, male | 21829-25-4 | January 29, 1999 |
| Nimodipine | developmental | 66085-59-4 | April 24, 2001 |
| Nitrapyrin | developmental | 1929-82-4 | March 30, 1999 |
| Nitrobenzene | male | 98-95-3 | March 30, 2010 |
| Nitrofurantoin | male | 67-20-9 | April 1, 1991 |
| Nitrogen mustard (Mecholethamine) | developmental | 51-75-2 | January 1, 1989 |
| Nitrogen mustard hydrochloride (Mecholethamine hydrochloride) | developmental | 55-86-7 | July 1, 1990 |
| Nitrous oxide | developmental | 10024-97-2 | August 1, 2008 |
| Norethisterone (Norethindrone) | developmental | 68-22-4 | April 1, 1990 |
| Norethisterone acetate (Norethindrone acetate) | developmental | 51-98-9 | October 1, 1991 |
| Norethisterone (Norethindrone) /Ethinyl estradiol | developmental | 68-22-4/ 57-63-6 | April 1, 1990 |
| Norethisterone (Norethindrone)/Mestranol | developmental | 68-22-4/ 72-33-3 | April 1, 1990 |
| Norgestrel | developmental | 6533-00-2 | April 1, 1990 |
| Oxadiazon | developmental | 19666-30-9 | May 15, 1998 |
| Oxazepam | developmental | 604-75-1 | October 1, 1992 |
| p,p'-Oxybis(benzenesulfonyl hydrazide) | developmental | 80-51-3 | August 7, 2009 |
| Oxydemeton methyl | female, male | 301-12-2 | November 6, 1998 |
| Oxymetholone | developmental | 434-07-1 | May 1, 1997 |
| Oxytetracycline (internal use) | developmental | 79-57-2 | January 1, 1991 |

| <u>Chemical</u> | <u>Type of Reproductive Toxicity</u> | <u>CAS No.</u> | <u>Date Listed</u> |
|---|--|--------------------------|------------------------------------|
| Oxytetracycline hydrochloride (internal use) | developmental | 2058-46-0 | October 1, 1991 |
| Oxythioquinox (Chinomethionat) | developmental | 2439-01-2 | November 6, 1998 |
| Paclitaxel | developmental, female, male | 33069-62-4 | August 26, 1997 |
| Paramethadione | developmental | 115-67-3 | July 1, 1990 |
| Penicillamine | developmental | 52-67-5 | January 1, 1991 |
| Pentobarbital sodium | developmental | 57-33-0 | July 1, 1990 |
| Pentostatin | developmental | 53910-25-1 | September 1, 1996 |
| Phenacemide | developmental | 63-98-9 | July 1, 1990 |
| Phenprocoumon | developmental | 435-97-2 | October 1, 1992 |
| Phenyl glycidyl ether | male | 122-60-1 | August 7, 2009 |
| Phenylphosphine | developmental | 638-21-1 | August 7, 2009 |
| Pimozide | developmental, female | 2062-78-4 | August 20, 1999 |
| Pipobroman | developmental | 54-91-1 | July 1, 1990 |
| Plicamycin | developmental | 18378-89-7 | April 1, 1990 |
| Polybrominated biphenyls | developmental | — | October 1, 1994 |
| Polychlorinated biphenyls | developmental | — | January 1, 1991 |
| Potassium dimethyldithiocarbamate | developmental | 128-03-0 | March 30 1999 |
| Pravastatin sodium | developmental | 81131-70-6 | March 3, 2000 |
| Prednisolone sodium phosphate | developmental | 125-02-0 | August 20, 1999 |
| Procarbazine hydrochloride | developmental | 366-70-1 | July 1, 1990 |
| Propargite | developmental | 2312-35-8 | June 15, 1999 |
| Propylthiouracil | developmental | 51-52-5 | July 1, 1990 |
| Pyrimethamine | developmental | 58-14-0 | January 29, 1999 |
| Quazepam | developmental | 36735-22-5 | August 26, 1997 |
| Quizalofop-ethyl | male | 76578-14-8 | December 24, 1999 |
| Resmethrin | developmental | 10453-86-8 | November 6, 1998 |
| Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.) | developmental | — | July 1, 1989 |
| Ribavirin | developmental male | 36791-04-5 36791-04-5 | April 1, 1990 February 27, 2001 |
| Rifampin | developmental, female | 13292-46-1 | February 27, 2001 |
| Secobarbital sodium | developmental | 309-43-3 | October 1, 1992 |
| Sermorelin acetate | developmental | — | August 20, 1999 |
| Sodium dimethyldithiocarbamate | developmental | 128-04-1 | March 30 1999 |
| Sodium fluoroacetate | male | 62-74-8 | November 6, 1998 |
| Streptomycin sulfate | developmental | 3810-74-0 | January 1, 1991 |
| Streptozocin (streptozotocin) | developmental, female, male | 18883-66-4 | August 20, 1999 |
| Sulfasalazine (Salicylazosulfapyridine) | male | 599-79-1 | January 29, 1999 |
| Sulindac | developmental, female | 38194-50-2 | January 29, 1999 |
| Tamoxifen citrate | developmental | 54965-24-1 | July 1, 1990 |
| Temazepam | developmental | 846-50-4 | April 1, 1990 |
| Teniposide | developmental | 29767-20-2 | September 1, 1996 |
| Terbacil | developmental | 5902-51-2 | May 18, 1999 |
| Testosterone cypionate | developmental | 58-20-8 | October 1, 1991 |

| <u>Chemical</u> | <u>Type of Reproductive Toxicity</u> | <u>CAS No.</u> | <u>Date Listed</u> |
|--|--|----------------|--------------------|
| Testosterone enanthate | developmental | 315-37-7 | April 1, 1990 |
| 2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD) | developmental | 1746-01-6 | April 1, 1991 |
| Tetracycline (internal use) | developmental | 60-54-8 | October 1, 1991 |
| Tetracyclines (internal use) | developmental | — | October 1, 1992 |
| Tetracycline hydrochloride (internal use) | developmental | 64-75-5 | January 1, 1991 |
| Thalidomide | developmental | 50-35-1 | July 1, 1987 |
| Thioguanine | developmental | 154-42-7 | July 1, 1990 |
| Thiophanate methyl | female, male | 23564-05-8 | May 18, 1999 |
| Tobacco smoke (primary) | developmental, female, male | — | April 1, 1988 |
| Tobramycin sulfate | developmental | 49842-07-1 | July 1, 1990 |
| Toluene | developmental | 108-88-3 | January 1, 1991 |
| | female | | August 7, 2009 |
| Triadimefon | developmental, female, male | 43121-43-3 | March 30, 1999 |
| Triazolam | developmental | 28911-01-5 | April 1, 1990 |
| Tributyltin methacrylate | developmental | 2155-70-6 | December 1, 1999 |
| Trientine hydrochloride | developmental | 38260-01-4 | February 27, 2001 |
| Triforine | developmental | 26644-46-2 | June 18, 1999 |
| 1,3,5-Triglycidyl-s-triazinetriene | male | 2451-62-9 | August 7, 2009 |
| Trilostane | developmental | 13647-35-3 | April 1, 1990 |
| Trimethadione | developmental | 127-48-0 | January 1, 1991 |
| Trimetrexate glucuronate | developmental | 82952-64-5 | August 26, 1997 |
| Triphenyltin hydroxide | developmental | 76-87-9 | March 18, 2002 |
| Uracil mustard | developmental, female, male | 66-75-1 | January 1, 199 |
| Urethane | developmental | 51-79-6 | October 1, 1994 |
| Urofollitropin | developmental | 97048-13-0 | April 1, 1990 |
| Valproate (Valproic acid) | developmental | 99-66-1 | July 1, 1987 |
| Vinblastine sulfate | developmental | 143-67-9 | July 1, 1990 |
| Vinclozolin | developmental | 50471-44-8 | May 15, 1998 |
| Vincristine sulfate | developmental | 2068-78-2 | July 1, 1990 |
| 4-Vinylcyclohexene | female, male | 100-40-03 | August 7, 2009 |
| Vinyl cyclohexene dioxide (4-Vinyl-1-cyclohexene diepoxide) | female, male | 106-87-6 | August 1, 2008 |
| Warfarin | developmental | 81-81-2 | July 1, 1987 |
| Zileuton | developmental, female | 111406-87-2 | December 22, 2000 |

Date: December 3, 2010

OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT

NOTICE OF INTENT TO LIST IMAZALIL

December 3, 2010

CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY OFFICE OF
ENVIRONMENTAL HEALTH HAZARD
ASSESSMENTSAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) has found that imazalil meets the criteria for listing as known to the State to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986¹. This action is being taken under the authoritative bodies listing mechanism².

| Chemical | CASNo. | Endpoint | Reference | Chemical Use |
|----------|------------|----------|-----------------------------------|---|
| Imazalil | 35554-44-0 | Cancer | U.S. EPA (1999, 2002, 2003, 2005) | Systemic fungicide used post-harvest on bananas, citrus; pre-planting to treat barley and wheat seed; and in nonfood use for chicken hatchery treatments. |

OEHHA requested information relevant to the possible listing of imazalil in a notice published in the *California Regulatory Notice Register* on June 27, 2008 (Register 2008, No. 26-Z). OEHHA responded to the public comments received.

Background on listing via the authoritative bodies mechanism: A chemical must be listed under the Proposition 65 regulations when two conditions are met:

- 1) An authoritative body formally identifies the chemical as causing cancer (Section 25306(d)³).
- 2) The evidence considered by the authoritative body meets the sufficiency criteria contained in the regulations (Section 25306(e)).

However, the chemical is not listed if scientifically valid data which were not considered by the authoritative body clearly establish that the sufficiency of evidence criteria were not met (Section 25306(f)).

The U.S. Environmental Protection Agency (U.S. EPA) is one of several institutions designated as authoritative for the identification of chemicals as causing cancer (Section 25306(m)).

OEHHA is the lead agency for implementation of Proposition 65. After an authoritative body has made a determination about a chemical, OEHHA evaluates whether listing under Proposition 65 is required using the criteria contained in the regulations.

OEHHA's determination: Imazalil meets the criteria for listing as known to the State to cause cancer un-

der Proposition 65, based on findings of the U.S. EPA (U.S. EPA, 1999; 2002; 2003; 2005).

Formal identification and sufficiency of evidence for imazalil: In 1999 the U.S. EPA published a report on imazalil entitled *Cancer Assessment Document. Evaluation of the Carcinogenic Potential of Imazalil (Third Review)* (U.S. EPA, 1999). This report concludes that the chemical causes cancer. Subsequent U.S. EPA reports published in 2002, 2003, and 2005 reaffirm findings from the 1999 report that imazalil causes cancer. These reports (U.S. EPA, 1999; 2002; 2003; 2005) satisfy the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations.

OEHHA is relying on the U.S. EPA's discussion of data and conclusions in these reports that imazalil causes cancer. The U.S. EPA (1999; 2002; 2003; 2005) reports conclude that imazalil is **"likely to be carcinogenic in humans,"** based on the following weight-of-the-evidence, as quoted from the 1999 report (U.S. EPA, 1999):

1. "There was an increase (both trend and pair-wise) in combined liver adenomas/carcinomas in **male** Swiss albino mice and **male** Wistar rats and an increase in combined thyroid follicular adenomas/carcinomas in **male** Wistar rats.
2. Imazalil was **negative** in *in vivo* and *in vitro* mutagenicity assays.
3. It is structurally related to triazole compounds, which are hepatocarcinogens in mice." (emphasis in original)

Thus, the U.S. EPA (1999; 2002; 2003; 2005) has found that imazalil causes increased incidences of combined benign and malignant liver tumors in male rats and mice and combined benign and malignant thyroid tumors in male rats.

¹ Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq.*

² See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25306.

³ All referenced sections are from Title 27 of the Cal. Code of Regs.

OEHHA is aware that U.S. EPA is considering a possible mode of action (MOA) for imazalil. In the event that U.S. EPA concludes that, based on this MOA, imazalil is not likely to cause cancer in humans, OEHHA will reconsider the listing of the chemical under Proposition 65, as allowed by Title 27, Cal. Code of Regs., section 25306(j).

Request for comments: OEHHA is committed to public participation in its implementation of Proposition 65. OEHHA wants to ensure that its regulatory decisions are based on a thorough consideration of all relevant information. If you wish to comment on whether this chemical meets the criteria for listing provided in Section 25306, please **submit your comments to OEHHA by 5:00 p.m. on Monday, January 10, 2011.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to coshita@oehha.ca.gov. Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

Mailing Address: Ms. Cynthia Oshita
Office of Environmental
Health Hazard Assessment
P.O. Box 4010, MS-19B
Sacramento, California
95812-4010

Fax: (916) 323-8803

Street Address: 1001 I Street
Sacramento, California 95814

If you have any questions, please contact Ms. Oshita at coshita@oehha.ca.gov or at (916) 445-6900.

References

U.S. EPA (U.S. Environmental Protection Agency) 1999. Cancer Assessment Document. Evaluation of the Carcinogenic Potential of Imazalil (Third Review). Cancer Assessment Review Committee. Health Effects Division. Office of Pesticide Programs. December 7, 1999.

U.S. EPA (U.S. Environmental Protection Agency) 2002. Imazalil: The Revised HED Toxicology Chapter for the Reregistration Eligibility Decision Document (RED). PC Code 111901, Case 816389. HED Document No. 0050434. U.S. EPA, Office of Pesticide Programs, Washington DC, 20460, January 31, 2002.

U.S. EPA (U.S. Environmental Protection Agency) 2003. Registration Eligibility Decision for Imazalil. Chemical List B. Case No. 2325. Office of Prevention, Pesticides and Toxic Substances, U.S. EPA, Washington DC.

U.S. EPA (U.S. Environmental Protection Agency) 2005. R.E.D. Facts. Imazalil. EPA-738-F-04-011 Office of Prevention, Pesticides and Toxic Substances, U.S. EPA, Washington DC.

RULEMAKING PETITION DECISION

DEPARTMENT OF PUBLIC HEALTH

November 9, 2010

Ms. Patricia L. McGinnis
Executive Director
California Advocates for Nursing Home Reform
650 Harrison Street, 2nd Floor
San Francisco, CA 94107

Dear Ms. McGinnis:

Thank you for your letter requesting the adoption of regulations for a standard admission agreement for skilled nursing facilities, intermediate care facilities, and nursing facilities, an abbreviated admission agreement for patients whose length of stay is anticipated to be 14 days or less, and a consolidated Patients Bill of Rights.

On September 23, 2010, the Department submitted a notice to the Office of Administrative Law to be placed in the California Regulatory Register on October 15, 2010, regarding the proposed regulations for the Standard Admission Agreement (SAA), which includes a consolidated Patient Bill of Rights. Once the Department has provided opportunity for public comment and responds to the public comment, the regulations for these documents will be promulgated.

California Health and Safety Code (HSC) Section 1599.61(b)(2) states the Department may develop an abbreviated admission agreement for patients whose length of stay is anticipated to be 14 days or less. The Department is not statutorily mandated to promulgate regulations for an Abbreviated Standard Admission Agreement; rather, developing such a form is discretionary. At this time, the Department will not be promulgating regulations for an Abbreviated Standard Admission Agreement. The statutes at HSC Sections 1599.60(a) and 1599.64 clearly set forth requirements for abbreviated admission contracts to be developed by licensed facilities.

The Department has also posted on its website (<http://www.cdph.ca.gov/HealthInfo/Pages/Nursing-HomePatient.aspx>) translated versions of the current copy of the Patients Bill of Rights. Once the proposed regulations for the SAA and associated Patient Bill of Rights are promulgated the Department will translate

and post the updated version of the Patient Bill of Rights. The changes in the updated version are non-substantive changes related to the updating of the Department's name from the Department of Health Services to the Department of Public Health.

Thank you for an opportunity to address your concerns.

Sincerely,

/s/
Kathleen Billingsley, R.N.
Deputy Director

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2010-1013-01
BOARD OF FORESTRY AND FIRE PROTECTION
Operation on Sat. Soils and Stable Op. Surface

This regulatory action amends sections in the California Forest Practice Rules to allow operations on saturated soils and maintenance of a stable operating surface to the extent that operations do not violate water quality requirements and avoid potential discharge that may cause increased turbidity to watercourses.

Title 14
California Code of Regulations
AMEND: 895.1, 914.7, 915.1, 916.9, 923.1, 923.2, 923.5, 934.7, 935.1, 936.9, 943.1, 943.2, 943.5, 954.7, 955.1, 956.9, 963.1, 963.2, 963.5, 1093.2, 1104.1
Filed 11/19/2010
Effective 01/01/2011
Agency Contact:
Christopher Zimny (916) 653-9418

File# 2010-1008-01
BOARD OF FORESTRY AND FIRE PROTECTION
SRA Classification System, 2010

Board of Forestry and Fire Protection submitted this action to amend the Board's publication, State Respon-

sibility Area Classification System (SRA publication), which is incorporated by reference in title 14, California Code of Regulations, sec. 1220. The SRA publication provides criteria, procedures, and instructions for evaluating periodic changes to state responsibility areas (SRAs) and making changes to the official SRA maps of these areas, pursuant to Public Resources Code secs. 4125-4128.

Title 14
California Code of Regulations
AMEND: 1220
Filed 11/22/2010
Effective 12/22/2010
Agency Contact:
Christopher Zimny (916) 653-9418

File# 2010-1005-04
BOARD OF PHARMACY
Patient Centered Prescription Label

This regulatory action adopts section 1707.5 to require patient-centered labels for prescription drug containers to conform to certain format requirements, such as, requiring specific information to be in at least 10-point sans serif typeface and placed within a certain area on the label, and establishes which phrase to use for the directions for use of the drug. Section 1707.5 also requires that the label include the name of the drug and defines "name of the drug" to mean either: (1) the manufacturer's trade name of the drug, or (2) the generic name of the drug and the name of the manufacturer. Section 1707.5 further requires the Board to publish on its Web site: (1) a translation of the directions for use of the drug into at least five languages other than English by October 2011, and (2) examples of labels that conform to section 1707.5 to aid pharmacies in label design and compliance. Additionally, section 1707.5 requires pharmacies to have written policies and procedures in place to help patients with limited or no English proficiency understand the information that is required to be on the label. The policies and procedures will, at a minimum, include the selected means to identify the patient's language and to provide interpretive services in the patient's language. Lastly, this regulation defines "appropriate dosage form" to include pill, caplet, capsule or tablet.

Title 16
California Code of Regulations
ADOPT: 1707.5
Filed 11/17/2010
Effective 01/01/2011
Agency Contact: Carolyn Klein (916) 574-7913

File# 2010-1027-01

BOARD OF PILOT COMMISSIONERS

Terms of President and Vice President

This regulatory action by the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun amends the term requirements for the President and Vice President of the Board. The amendment provides for a renewable two-year term for both elected positions.

Title 7

California Code of Regulations

AMEND: 206, 207

Filed 11/23/2010

Effective 12/23/2010

Agency Contact: Terri Toohey (916) 768-5638

File# 2010-1012-04

BOARD OF REGISTERED NURSING

Fees Increase

The Board of Registered Nursing amended section 1417 of title 16 of the California Code of Regulations to increase the application fee for registered nurses, increase the renewal and penalty fees for registered nurses, nurse-midwives, and nurse-anesthetists, and to set the application, renewal, and penalty fees for clinical nurse specialists.

Title 16

California Code of Regulations

AMEND: 1417

Filed 11/24/2010

Effective 12/24/2010

Agency Contact: Alcidia Valim (916) 574-7684

File# 2010-1007-07

BUREAU FOR PRIVATE POSTSECONDARY EDUCATION

Administration, Definitions, Applications, etc.

This regulatory action, pursuant to AB 48 (Chapter 310, Statutes of 2009), reestablishes the regulation of private postsecondary educational institutions in California. It provides for the application process and operating standards and provides guidelines for implementation of the Student Tuition Recovery Fund.

Title 5

California Code of Regulations

ADOPT: 70030, 70040, 71135, 71320, 71390, 71395, 71400.5, 71401, 71475, 71480, 71485, 71640, 71650, 71655, 71716, 71750, 71760, 74110, 74115 AMEND: 70000, 70010, 70020, 71100, 71110, 71120, 71130, 71140, 71150, 71160, 71170, 71180, 71190, 71200, 71210, 71220, 71230, 71240, 71250, 71260, 71270, 71280, 71290, 71300, 71310, 71340, 71380, 71400, 71405, 71450, 71455, 71460,

71465, 71470, 71500, 71550, 71600, 71630, 71700, 71705, 71710, 71715, 71720, 71730, 71735, 71740, 71745, 71770, 71810, 71850, 71865, 71920, 71930, 74000, 74002, 74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200 REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515, 72520, 72550, 72555, 72560, 72565, 72570, 72600, 72605, 72610, 72615, 72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730, 72735, 72740, 72745, 72770, 72775, 72800, 72805, 72810, 72830, 72850, 72855, 72860, 72865, 72870, 72875, 72880, 72885, 72890, 72900, 72905, 72910, 72915, 72920, 72930, 73000, 73010, 73100, 73110, 73120, 73130, 73140, 73150, 73160, 73165, 73170, 73180, 73190, 73200, 73210, 73220, 73230, 73240, 73260, 73270, 73280, 73290, 73300, 73310, 73320, 73330, 73340, 73350, 73360, 73380, 73390, 73400, 73410, 73420, 73430, 73440, 73470, 73480, 73500, 73520, 73530, 73540, 73550, 73600, 73610, 73620, 73630, 73640, 73650, 73660, 73670, 73680, 73690, 73700, 73710, 73720, 73730, 73740, 73750, 73760, 73765, 73770, 73780, 73790, 73800, 73820, 73830, 73831, 73832, 73850, 73860, 73870, 73880, 73890, 73900, 73910, 74008, 74010, 74014, 74016, 74018, 74020, 74030, 74040, 74050, 74100, 74180, 74300, 74310, 74320, 75000, 75020, 75030, 75040, 75100, 75110, 75120, 75130

Filed 11/18/2010

Agency Contact: Joanne Wenzel (916) 574-7784

File# 2010-1109-02

CALIFORNIA ARCHITECTS BOARD

Fees

The California Architects Board is amending Title 16 of the California Code of Regulations, section 144 to change fees for architect applicants and licensees. Specifically, the California Architects Board is amending the regulations to increase the fee for an original license from \$200 to \$300 dollars and to increase the biennial renewal fee to \$300 from \$200 dollars. This amendment also increases the fee for an original license issued less than a year before its expiration date from \$100 to \$150 dollars and increases the delinquency fee from \$50 to

\$100 dollars. These changes are to go into effect January 1, 2011.

Title 16
California Code of Regulations
AMEND: 144
Filed 11/23/2010
Effective 11/23/2010
Agency Contact: Anthony Lum (916) 575-7221

File# 2010-1118-04
COMMISSION ON STATE MANDATES
Mandate Redetermination Process

This emergency regulatory action establishes a new process for redetermining existing mandates. Under this process, the Commission may adopt a new test claim decision to supersede a previously adopted test claim decision only upon a showing that the state's liability for that test claim decision pursuant to subdivision (a) of Section 6 of Article XIII B of the California Constitution has been modified based on a "subsequent change in law," as defined in Government Code section 17570 (Stats. 2010, c. 719, sec. 33; SB 856). Government Code section 17570, subdivision (e), provides that this regulatory action shall be deemed to meet the emergency standard. Pursuant to Government Code section 17527, subdivision (g), this regulatory action is exempt from OAL's review.

Title 2
California Code of Regulations
ADOPT: 1190, 1190.01, 1190.02, 1190.03, 1190.04, 1190.05
Filed 11/23/2010
Effective 11/23/2010
Agency Contact: Heidi Palchik (916) 323-8218

File# 2010-1028-02
CONTRACTORS STATE LICENSE BOARD
Fees

The Contractors State License Board submitted this rulemaking action to increase the fees charged for applications, issuance or renewal of licenses, inactive licenses, registrations, and certifications, and for scheduling and rescheduling examinations. This action amends the title 16, California Code of Regulations, section 811 fees to their current statutory limits in Business and Professions Code sections 7076.5 and 7137. The fee increases will go into effect on July 1, 2011.

Title 16
California Code of Regulations
AMEND: 811
Filed 11/18/2010
Effective 12/18/2010
Agency Contact: Jonathan Buttle (916) 255-1953

File# 2010-1104-02
CORRECTIONS STANDARDS AUTHORITY
2007 Local Jail Construction Funding

This emergency action amends sections within Title 15 of the California Code of Regulations that implement the 2007 Local Jail Construction Program authorized by AB 900 (Stats. 2007, Chap. 7). This emergency rulemaking also adopts new sections in Title 15 to implement amendments to the 2007 Local Jail Construction Program in AB 1628 (Stats. 2010, Chap. 729). AB 1628 amended the Government Code to provide statutory authority for the design-build process for AB 900 projects. This amendment allows counties to use the design-build process for construction of local county jails.

Title 15
California Code of Regulations
ADOPT: 1747.1, 1749.1, 1750.1 AMEND: 1706, 1747, 1748, 1749, 1750, 1752, 1756, 1757, 1767
Filed 11/22/2010
Effective 11/22/2010
Agency Contact:
Charlene Aboytes (916) 445-5073

File# 2010-1012-01
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This certificate of compliance makes permanent the prior emergency regulatory action (OAL file no. 2010-0720-01E) that amended section 3435(c) to add *Amyris madrensis* (mountain torchwood), *Choisya arizonica* (Arizonia orange), *Choisya ternate* (Mexican or mock orange) and *Esenbeckia berlandieri* (Berlandier's jopoy) to the list of hosts and possible carriers of *Diaphorina citri* (Asian Citrus Psyllid (ACP)). The effect of this amendment provided authority for the State to restrict the movement of these new hosts from a regulated area to prevent the artificial spread of ACP to uninfested areas of California.

Title 3
California Code of Regulations
AMEND: 3435(c)
Filed 11/22/2010
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2010-1006-01
DEPARTMENT OF FOOD AND AGRICULTURE
European Grapevine Moth Interior Quarantine

The Department of Food and Agriculture submitted this timely certificate of compliance action to make permanent the emergency adopted regulations in OAL File Nos. 2010-0412-01E and 2010-0426-02E, which expanded the quarantine areas for the European Grape-

vine Moth, *Lobesia botrana*, into Napa, Solano, and Sonoma counties.

Title 3
California Code of Regulations
AMEND: 3437
Filed 11/17/2010
Agency Contact:
Susan McCarthy (916) 654-1017

File# 2010-1101-04
DEPARTMENT OF FOOD AND AGRICULTURE
Minimum Qualification for County Insectors

This action amends the minimum educational requirements for qualification to perform the occupations of County Agricultural Inspector/Biologist and County Weights and Measures Inspector.

Title 3
California Code of Regulations
AMEND: 105, 108
Filed 11/18/2010
Effective 12/18/2010
Agency Contact: Kristin Macey (916) 229-3044

File# 2010-1110-01
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Interior Quarantine

The Department of Food and Agriculture submitted this rulemaking action to readopt the emergency text in OAL File No. 2010-0329-01E, which expired by operation of law on 10/5/2010 and was withdrawn from OAL File No. 2010-1005-02C. This action amends title 3, California Code of Regulations, section 3434, which expands the quarantine areas for the Light Brown Apple Moth (LBAM), *Epiphyas postvittana*, in two areas of Monterey County.

Title 3
California Code of Regulations
AMEND: 3434(b)
Filed 11/17/2010
Effective 11/17/2010
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2010-1005-02
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Interior Quarantine

The Department of Food and Agriculture submitted this certificate of compliance action to make permanent the regulations adopted in five emergency actions, OAL File Nos. 2010-0311-01E (readopted in 2010-0913-03EE), 2010-0329-01E, 2010-0415-03E, 2010-0426-01E, and 2010-0517-02E to expand the quarantine areas for the Light Brown Apple Moth

(LBAM), *Epiphyas postvittana*, in counties throughout the state. The LBAM emergencies amended title 3, California Code of Regulations, section 3434. This action was submitted timely for all underlying emergency actions except for OAL File No. 2010-0329-01E, which was withdrawn on 11/10/2010.

Title 3
California Code of Regulations
AMEND: 3434(b)
Filed 11/17/2010
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2010-1119-02
DEPARTMENT OF FOOD AND AGRICULTURE
Citrus Nursery Stock Pest Cleanliness Program and Citrus Tristeza Virus Interior Quarantine

Department of Food and Agriculture submitted this action to continue the emergency adoption of its Citrus Nursery Stock Pest Cleanliness Program (Program), adopted in OAL File No. 2010-0506-02E. The Program is mandatory on citrus propagating nurseries pursuant to SB 140 (2009).

Title 3
California Code of Regulations
ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407
Filed 11/24/2010
Effective 11/24/2010
Agency Contact:
Susan McCarthy (916) 654-1017

File# 2010-1007-03
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
Proposition 65 — MADL for Di-isodecyl Phthalate

This action establishes the Proposition 65 maximum allowable dose level (MADL) for di-isodecyl phthalate (DIDP).

Title 27
California Code of Regulations
AMEND: 25805
Filed 11/18/2010
Effective 12/18/2010
Agency Contact: Monet Vela (916) 323-2517

File# 2010-1018-02
STATE ALLOCATION BOARD
Leroy F. Greene Sch. Facil. Act of 1998; Accessibility and Fire Code

This rulemaking amends Title 2 sections 1859.2 and 1859.83. The State Allocation Board is authorized to provide funding as a result of unusual circumstances that create excessive project costs beyond the control of

the school district. This excessive cost hardship grant is related to accessibility requirements and the costs needed to perform these upgrades. The amendments to these sections allows school districts the option to choose an allowance based on either three percent of the base grant or 60 percent of the minimum work necessary to meet accessibility and fire code requirements.

Title 2
California Code of Regulations
AMEND: 1859.2, 1859.83
Filed 11/22/2010
Effective 11/22/2010
Agency Contact: Lisa Jones (916) 376-1753

File# 2010-1109-04
STATE WATER RESOURCES CONTROL BOARD
Emergency Regulations to Conform with Budget Act 2010-11

The State Water Resources Control Board amended sections 2200, 2200.3, 2200.4, 2200.5, and 2200.6 of title 23 of the California Code of Regulations to adjust the annual fees assessed to persons issued waste discharge permits to conform to revenue levels set forth in the Budget Act and to make other nonsubstantive changes. Emergency regulations adopted pursuant to subdivision (f)(2) of section 13260 of the Water Code are deemed an emergency by the Legislature and are exempt from review by the Office of Administrative Law.

Title 23
California Code of Regulations
AMEND: 2200, 2200.3, 2200.4, 2200.6
Filed 11/18/2010
Effective 10/19/2010
Agency Contact: David Ceccarelli (916) 341-5999

File# 2010-1109-05
STATE WATER RESOURCES CONTROL BOARD
Emergency Fee Regulations to Conform with Budget Act 2010-11

This California Water Code Section 1530(b) emergency rulemaking action is the annual adjustment of water rights fees paid by state, local and private entities so as to conform to the revenue levels set by the annual budget act. This rulemaking action decreases slightly the fee caps on application and petition fees, removes reference to the one-time credit which fee-paying entities received under the 2009-1010 budget act, and increases the per kilowatt fee charged for projects licensed or undergoing licensing by the Federal Energy Regulatory Commission for activities that involve hydroelectric facilities.

Title 23
California Code of Regulations
AMEND: 1062, 1064, 1066, 3833.1
Filed 11/17/2010
Effective 11/17/2010
Agency Contact: Bob Rinker (916) 322-3143

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN June 23, 2010 TO
November 24, 2010**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

11/23/10 ADOPT: 1190, 1190.01, 1190.02, 1190.03, 1190.04, 1190.05
11/22/10 AMEND: 1859.2, 1859.83
11/16/10 AMEND: 7286.1
11/15/10 AMEND: 18545, 18703.4, 18730, 18940.2, 18943
11/15/10 AMEND: 18225
10/29/10 ADOPT: 1859.90.2 AMEND: Renumber 1859.90.2 to 1859.90.3, 1859.129, 1859.197
10/28/10 AMEND: 59.1
10/27/10 ADOPT: 1185.21, 1189 AMEND: 1181, 1181.1, 1181.2, 1181.4, 1183, 1183.01, 1183.02, 1183.03, 1183.06, 1183.07, 1183.08, 1183.081, 1183.09, 1183.11, 1183.12, 1183.131, 1183.14, 1183.2, 1183.21, 1183.30, 1183.31, 1183.32, 1185, 1185.2, 1185.3, 1185.4, 1185.5, 1185.6, 1186, 1187, 1187.2, 1187.3, 1187.9, 1188, 1188.1, 1188.2, 1188.3, 1188.31, 1189.1, 1189.3 REPEAL: 1181.3, 1189.4, 1189.5
10/26/10 ADOPT: 2297.1
10/21/10 ADOPT: 58.8 AMEND: 59.3
10/11/10 ADOPT: 599.937.4
10/07/10 AMEND: 51.1
10/07/10 AMEND: 51.2(u)
10/07/10 AMEND: div. 8, ch. 46, sec. 53500
10/05/10 AMEND: div. 8, ch. 79, sec. 56800
10/05/10 ADOPT: 1859.172 AMEND: 1859.162.3, 1859.171
10/04/10 AMEND: 1859.2, 1859.81

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| 10/04/10 | ADOPT: 642, 643, 644, 645 AMEND: 640, 641 | 11/17/10 | AMEND: 3434(b) |
| 09/27/10 | AMEND: 18942, 18944.1 | 11/17/10 | AMEND: 3434(b) |
| 09/07/10 | AMEND: Renaming of headings only, as follows: Article 4 of Chapter 1 to new Subchapter 1.2; Subarticles 1–10 of nes Subchapter 1.2 to new Articles 1–10; and Chapters 1–5 of new Article 6 to new Subarticles 1–5. | 11/17/10 | AMEND: 3437 |
| 09/02/10 | ADOPT: 60804.1, 60815.1, 60820.1, 60855, 60856, 60857, 60858, 60859, 60860, 60861, 60862, 60863 AMEND: 60841, 60846, 60853 REPEAL: 60855 | 11/15/10 | REPEAL: 3000, 3001, 3002, 3003, 3004 |
| 09/01/10 | AMEND: 234, 548.70 | 11/09/10 | AMEND: 3437 |
| 09/01/10 | AMEND: 234, 548.70 | 10/27/10 | AMEND: 6447, 6447.2, 6784 |
| 08/18/10 | ADOPT: 51.3, 52.1, 52.2, 52.3, 52.5, 52.8, 52.10, 53.1, 53.2, 53.3, 53.4, 54.1, 55.1, 56.1, 56.2, 56.3, 56.4, 57.1, 57.2, 58.1, 58.2, 58.6, 58.7, 58.9, 58.10, 58.11, 59.2, 59.3, 59.4, 60.1, 63.1, 64.1, 64.2, 64.3, 64.4, 64.5, 64.6 AMEND: 51 (renumbered to 51.1), 51.1 (renumbered to 51.2), 51.2 (renumbered to 52.4), 52.3 (renumbered to 52.6), 51.9 (renumbered to 52.7), 51.5 (renumbered to 52.9), 52.6 (renumbered to 55.2), 52.2 (renumbered to 58.3), 51.4 (renumbered to 58.4), 52.1 (renumbered to 58.5), 57.2 (renumbered to 59.1), 52.5 (renumbered to 60.2), 57.3 (renumbered to 60.3), 53.1 (renumbered to 66.1), 56 (renumbered to 67.1), 56.1 (renumbered to 67.2), 56.2 (renumbered to 67.3), 56.3 (renumbered to 67.4), 56.4 (renumbered to 67.5), 56.5 (renumbered to 67.6), 56.6 (renumbered to 67.7), 56.7 (renumbered to 67.8) REPEAL: 51.3, 52, 52.4, 53, 53.2, 54, 54.2, 56.8, 57.1, 57.4, 60, 60.1, 60.2, 60.3, 60.4, 60.5, 60.6, 60.7, 60.8, 60.9, 60.10, 65, 547, 547.1 | 10/21/10 | AMEND: 3591.5(a) |
| 08/13/10 | AMEND: 18707 | 10/18/10 | AMEND: 3437(b) |
| 07/08/10 | AMEND: 18313.5(c) | 10/11/10 | AMEND: 3558(a) |
| 07/06/10 | AMEND: 51000 | 10/11/10 | AMEND: 3855 |
| 07/01/10 | AMEND: 1859.90.1 | 10/06/10 | ADOPT: 1391, 1391.1, 1391.2, 1391.3, 1391.4 AMEND: 1391 (renumbered to 1391.5), 1391.1 (renumbered to 1391.6) |
| 06/24/10 | ADOPT: 1859.90.1 AMEND: 1859.90.1 renumbered as 1859.90.2, 1859.129, 1859.197 | 10/01/10 | AMEND: 3434(b) |
| 06/24/10 | AMEND: 47000, 47001, 47002 | 09/27/10 | AMEND: 3 |
| 06/23/10 | AMEND: 1859.184 | 09/27/10 | AMEND: 3437 |
| Title 3 | | 09/22/10 | AMEND: 3591.20(a) |
| 11/24/10 | ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407 | 09/14/10 | AMEND: 3434(b) |
| 11/22/10 | AMEND: 3435(c) | 09/13/10 | ADOPT: 3437 |
| 11/18/10 | AMEND: 105, 108 | 09/09/10 | AMEND: 3434(b) |
| | | 09/02/10 | AMEND: 3425(b) |
| | | 08/26/10 | AMEND: 3406(b) |
| | | 08/26/10 | AMEND: 3406(b) |
| | | 08/26/10 | AMEND: 3434(b) & (c) |
| | | 08/26/10 | ADOPT: 6531 AMEND: 6502, 6511, 6530 |
| | | 08/24/10 | AMEND: 3700(c) |
| | | 08/19/10 | AMEND: 3423(b) |
| | | 08/17/10 | AMEND: 3437 |
| | | 08/16/10 | AMEND: 3425(b) and (c) |
| | | 08/13/10 | AMEND: 3591.15(a) and (b) |
| | | 08/11/10 | AMEND: 3437 |
| | | 08/05/10 | AMEND: 3423(b) |
| | | 07/26/10 | AMEND: 3435(c) |
| | | 07/20/10 | AMEND: 3437 |
| | | 07/16/10 | AMEND: 3434(b) and (c) |
| | | 07/13/10 | AMEND: 3591.20(a) |
| | | 07/07/10 | ADOPT: 3591.24 |
| | | 07/01/10 | AMEND: 3437 |
| | | 06/30/10 | AMEND: 3423(b) |
| | | Title 4 | |
| | | 11/04/10 | AMEND: 8034, 8035, 8042, 8043 |
| | | 11/02/10 | AMEND: 12480, 12488, 12492, 12494, 12496, 12498, 12499, 12501, 12502, 12504, 12508 |
| | | 10/26/10 | AMEND: 1844 |
| | | 10/04/10 | ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036 |
| | | 09/29/10 | AMEND: 8070, 8072, 8073, 8074 |
| | | 09/15/10 | AMEND: 10323 |
| | | 09/09/10 | AMEND: 1766 |
| | | 09/09/10 | AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162, 10164 |

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| 08/30/10 | ADOPT: 213.2 AMEND: 211, 213, 293, 405 | 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515, 72520, 72550, 72555, 72560, 72565, 72570, 72600, 72605, 72610, 72615, 72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730, 72735, 72740, 72745, 72770, 72775, 72800, 72805, 72810, 72830, 72850, 72855, 72860, 72865, 72870, 72875, 72880, 72885, 72890, 72900, 72905, 72910, 72915, 72920, 72930, 73000, 73010, 73100, 73110, 73120, 73130, 73140, 73150, 73160, 73165, 73170, 73180, 73190, 73200, 73210, 73220, 73230, 73240, 73260, 73270, 73280, 73290, 73300, 73310, 73320, 73330, 73340, 73350, 73360, 73380, 73390, 73400, 73410, 73420, 73430, 73440, 73470, 73480, 73500, 73520, 73530, 73540, 73550, 73600, 73610, 73620, 73630, 73640, 73650, 73660, 73670, 73680, 73690, 73700, 73710, 73720, 73730, 73740, 73750, 73760, 73765, 73770, 73780, 73790, 73800, 73820, 73830, 73831, 73832, 73850, 73860, 73870, 73880, 73890, 73900, 73910, 74008, 74010, 74014, 74016, 74018, 74020, 74030, 74040, 74050, 74100, 74180, 74300, 74310, 74320, 75000, 75020, 75030, 75040, 75100, 75110, 75120, 75130 |
| 08/20/10 | AMEND: 130 | |
| 08/16/10 | AMEND: 1689 | |
| 07/29/10 | ADOPT: 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5230, 5231, 5232, 5240, 5250, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5370, 5371, 5372, 5380, 5381, 5382, 5383, 5384, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5560, 5570, 5571, 5572, 5573, 5580, 5590 | |
| 07/22/10 | AMEND: 10300, 10302, 10305, 10310, 10315, 10317, 10320, 10322, 10323, 10325, 10326, 10327, 10328, 10330, 10335, 10337 | |
| 07/13/10 | AMEND: 8034, 8035, 8042, 8043 | |
| 07/12/10 | ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5140, 5141, 5142, 5143, 5150, 5151, 5152, 5153, 5154, 5155, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, and 5550 | |
| Title 5 | | |
| 11/18/10 | ADOPT: 70030, 70040, 71135, 71320, 71390, 71395, 71400.5, 71401, 71475, 71480, 71485, 71640, 71650, 71655, 71716, 71750, 71760, 74110, 74115 AMEND: 70000, 70010, 70020, 71100, 71110, 71120, 71130, 71140, 71150, 71160, 71170, 71180, 71190, 71200, 71210, 71220, 71230, 71240, 71250, 71260, 71270, 71280, 71290, 71300, 71310, 71340, 71380, 71400, 71405, 71450, 71455, 71460, 71465, 71470, 71500, 71550, 71600, 71630, 71700, 71705, 71710, 71715, 71720, 71730, 71735, 71740, 71745, 71770, 71810, 71850, 71865, 71920, 71930, 74000, 74002, 74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200 REPEAL: 70030, 71000, 71005, 10/18/10 AMEND: 80015, 80015.1, 80015.2, 80015.3, 80015.4, 80021, 80021.1, 80024.7, 80024.8 10/18/10 ADOPT: 1216.1 10/01/10 AMEND: 57020 REPEAL: 50721, 50722, 50723, 50724, 50725, 50727, 50728, 50729, 50730, 50731, 50732 09/13/10 ADOPT: 4800, 4801, 4802, 4803, 4804, 4805, 4806, 4807 | |

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| 08/30/10 | ADOPT: 30960, 30961, 30962, 30963, 30964 | 72735, 72740, 72745, 72770, 72775, 72800, 72805, 72810, 72830, 72850, 72855, 72860, 72865, 72870, 72875, 72880, 72885, 72890, 72900, 72905, 72910, 72915, 72920, 72930, 73000, 73010, 73100, 73110, 73120, 73130, 73140, 73150, 73160, 73165, 73170, 73180, 73190, 73200, 73210, 73220, 73230, 73240, 73260, 73270, 73280, 73290, 73300, 73310, 73320, 73330, 73340, 73350, 73360, 73380, 73390, 73400, 73410, 73420, 73430, 73440, 73470, 73480, 73500, 73520, 73530, 73540, 73550, 73600, 73610, 73620, 73630, 73640, 73650, 73660, 73670, 73680, 73690, 73700, 73710, 73720, 73730, 73740, 73750, 73760, 73765, 73770, 73780, 73790, 73800, 73820, 73830, 73831, 73832, 73850, 73860, 73870, 73880, 73890, 73900, 73910, 74008, 74010, 74014, 74016, 74018, 74020, 74030, 74040, 74050, 74100, 74180, 74300, 74310, 74320, 75000, 75020, 75030, 75040, 75100, 75110, 75120, 75130, 76010, 76240 |
| 08/24/10 | REPEAL: 18015 | |
| 08/20/10 | AMEND: 80001 | |
| 08/19/10 | ADOPT: 59204.1 | |
| 08/19/10 | ADOPT: 11967.6.1 AMEND: 11967.6 | |
| 08/09/10 | ADOPT: 30010, 30011, 30012, 30013, 30014, 30015, 30016, 30017, 30018, 30019, 30034, 30035, 30036, 30037, 30038, 30039, 30040, 30041, 30042, 30043, 30044, 30045, 30046 AMEND: 30000, 30001, 30002, 30005, 30020, 30021, 30022, 30023, 30030, 30032, 30033 | |
| 08/02/10 | ADOPT: 4700, 4701, 4702 | |
| 07/30/10 | ADOPT: 70030, 70040, 71135, 71320, 71390, 71395, 71400.5, 71401, 71475, 71480, 71485, 71640, 71650, 71655, 71716, 71750, 71760, 74110, 74115, 76020, 76140, 76212, 76240 AMEND: 70000, 70010, 70020, 71100, 71110, 71120, 71130, 71140, 71150, 71160, 71170, 71180, 71190, 71200, 71210, 71220, 71230, 71240, 71250, 71260, 71270, 71280, 71290, 71300, 71310, 71340, 71380, 71400, 71405, 71450, 71455, 71460, 71465, 71470, 71500, 71550, 71600, 71630, 71700, 71705, 71710, 71715, 71720, 71730, 71735, 71740, 71745, 71770, 71810, 71850, 71865, 71920, 71930, 74000, 74002, 74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200, 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515, 72520, 72550, 72555, 72560, 72565, 72570, 72600, 72605, 72610, 72615, 72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730, | |
| | | 07/23/10 AMEND: 19816, 19816.1 |
| | Title 7 | |
| | 11/23/10 | AMEND: 206, 207 |
| | 11/09/10 | AMEND: 219, 202 |
| | 10/13/10 | AMEND: 212.5 |
| | 10/13/10 | AMEND: 212.5 |
| | Title 8 | |
| | 11/15/10 | AMEND: 9701, 9702 |
| | 11/04/10 | AMEND: 16423 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464 |
| | 11/02/10 | ADOPT: 5197 |
| | 11/02/10 | AMEND: 1504, 1637, 3622 |
| | 10/27/10 | ADOPT: 1600.1 AMEND: 1600, 1601 |
| | 10/05/10 | AMEND: 3395 |
| | 09/27/10 | AMEND: 10232.2 |
| | 09/23/10 | AMEND: 9767.3 |
| | 09/14/10 | AMEND: 10253.1 |
| | 09/13/10 | AMEND: 5206(d)(4)(a), 1532.2(d)(4)(a), 8359(d)(4)(a) |
| | 09/01/10 | AMEND: 1502 |
| | 08/30/10 | AMEND: 4848 |
| | 08/30/10 | AMEND: 5158 |
| | 08/25/10 | AMEND: Appendix B following section 5207 |
| | 08/17/10 | AMEND: 4885 |

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| 08/09/10 | AMEND: 9767.3, 9767.6, 9767.8, 9767.12, 9767.16, 9880, 9881, 9881.1, 10139 | 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317 REPEAL: 1950.122 |
| 08/03/10 | AMEND: 3563, 3651 | |
| 07/22/10 | AMEND: 5278 | |
| 07/13/10 | AMEND: 9789.70 | |
| 07/01/10 | AMEND: 4650, 4797, 4823 | |
| 06/30/10 | AMEND: 10232.1, 10232.2, 10250.1 | |
| 06/30/10 | ADOPT: 17300 | |
| 06/29/10 | ADOPT: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464 AMEND: 16421, 16423, 16427, 16428, 16431, 16433, 16500 | |
| Title 9 | | |
| 10/18/10 | ADOPT: 1810.326, 1810.376, 1810.439 AMEND: 1810.317, 1810.321, 1810.323, 1810.345, 1810.350, 1810.360, 1810.365, 1810.375, 1810.380, 1810.425, 1810.430, 1810.435, 1810.436, 1810.438, 1820.220, 1820.225, 1830.215, 1840.112, 1850.213 | 09/23/10 AMEND: 2274.70, 2274.71, 2274.72, 2274.73, 2274.74, 2274.75, 2274.76, 2274.77, 2274.78 |
| 09/20/10 | ADOPT: 7212.1, 7212.2, 7212.3, 7212.4 AMEND: 7210, 7211, 7212 | 09/20/10 AMEND: 2494.4.9 |
| 09/20/10 | ADOPT: 7213, 7213.1, 7213.2, 7213.4, 7213.5, 7213.6, 7214, 7214.1, 7214.2, 7214.3, 7214.4, 7214.5, 7214.6, 7214.7, 7214.8, 7215, 7215.1, 7216, 7216.1, 7216.2, 7218, 7220, 7220.3, 7220.5, 7220.7, 7221, 7225 AMEND: 7213.3, 7224, 7226, 7226.1, 7226.2, 7227, 7227.1, 7227.2 REPEAL: 7213, 7213.1, 7213.2, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7225 | 09/16/10 AMEND: 3006, 3007, 3007.05, 3007.2, 3007.3, 3007.6, 3008, 3010, 3011.1, 3011.2, 3011.4, 3012.2 REPEAL: 3005 |
| 08/09/10 | ADOPT: 4100, 4105, 4210, 4300, 4310, 4315, 4320, 4325, 4330, 4415, 4420 | 08/24/10 AMEND: 3525, 3527, 3541, 3542, 3543, 3544, 3561, 3563, 3566, 3568, 3569, 3570, 3583, 3602, 3603, 3661, 3722 |
| 07/07/10 | ADOPT: 1850.350(a), 1850.350(b), 1850.350(c) AMEND: 1810.203.5(d) | 08/05/10 AMEND: 2646.6 |
| 07/07/10 | ADOPT: 1850.350(a), 1850.350(b), 1850.350(c) AMEND: 1810.203.5(d) | 07/30/10 AMEND: 2699.6700 |
| Title 10 | | 07/29/10 ADOPT: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8, 2548.9, 2548.10, 2548.11, 2548.12, 2548.13, 2548.14, 2548.15, 2548.16, 2548.17, 2548.18, 2548.19, 2548.20, 2548.21, 2548.22, 2548.23, 2548.24, 2548.25, 2548.26, 2548.27, 2548.28, 2548.29, 2548.30, 2548.31 REPEAL: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8 |
| 11/04/10 | AMEND: 2689.8(c) | 07/21/10 ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741 |
| 10/21/10 | AMEND: 2498.6 | 07/19/10 ADOPT: 2274.70, 2274.71, 2274.72, 2274.73, 2274.74, 2274.75, 2274.76, 2274.77, 2274.78 |
| 10/18/10 | ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741 | 07/12/10 AMEND: 2698.600, 2698.602 |
| 10/11/10 | ADOPT: 2278.50, 2278.51, 2278.52, 2278.53, 2278.54, 2278.55, 2278.56, 2278.57, 2278.58, 2278.59 | 07/01/10 AMEND: 2699.200, 2699.201 |
| 09/28/10 | ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, | 06/29/10 ADOPT: 2756, 2758.1, 2758.2, 2758.3, 2758.4, 2758.5, 2758.6, 2758.7, 2945.1, 2945.2, 2945.3, 2945.4 AMEND: 2750, 2911 |
| | | 06/24/10 AMEND: 2699.6500, 2699.6700, 2699.6707, 2699.6721 |
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| | | 11/02/10 ADOPT: 51.26 |

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| 10/07/10 | ADOPT: 994.9, 994.10, 994.11, 994.12, 994.13, 994.14, 994.15 AMEND: 994.1, 994.2, 994.4, 994.5, 994.6 REPEAL: 994.9, 994.10, 994.11, 994.12, 994.13, 994.14, 994.15, 994.16 | 08/16/10 | AMEND: 918, 938, 958 |
| 10/06/10 | AMEND: 9040, 9041 | 08/12/10 | AMEND: 6550.5 |
| Title 13 | | 08/11/10 | AMEND: 895.1, 916.9, 936.9, 956.9, 923.9, 943.9, 963.9 REPEAL: 916.9.1, 936.9.1, 916.9.2, 936.9.2, 923.9.2, 943.9.2 |
| 11/09/10 | AMEND: 551.15, 551.17, 556, 558, 561, 586 | 07/20/10 | AMEND: 670.5 |
| 11/08/10 | AMEND: 1956.8, 1958, 1961, 1976, 1978, 2111, 2122, 2136, 2141 REPEAL: 2166, 2166.1, 2167, 2168, 2169, 2170, 2171, 2172, 2172.1, 2172.2, 2172.3, 2172.4, 2172.5, 2172.6, 2172.7, 2172.8, 2172.9, 2173, 2174 | 07/19/10 | AMEND: 632 |
| 10/12/10 | ADOPT: 1235.7 AMEND: 1200, 1235.1, 1235.2, 1235.4, 1256 | 07/12/10 | AMEND: 7.50 |
| 08/12/10 | ADOPT: 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630 | 06/24/10 | AMEND: 360, 361, 362, 363, 364, 555, 708, 713 |
| 07/29/10 | REPEAL: 171.04 | 06/23/10 | AMEND: 919.9, 939.9 |
| 07/23/10 | ADOPT: 126.00, 126.02, 126.04, 127.00, 127.02, 127.04, 127.06, 127.08, 127.10 AMEND: 125.00, 125.02, 125.12, 125.16, 125.18, 125.20, 125.22 | Title 15 | |
| 07/16/10 | AMEND: 2449, 2449.1, 2449.2 | 11/22/10 | ADOPT: 1747.1, 1749.1, 1750.1 AMEND: 1706, 1747, 1748, 1749, 1750, 1752, 1756, 1757, 1767 |
| 07/08/10 | AMEND: 1141(b) | 11/16/10 | AMEND: 1730, 1778, 1790 |
| Title 13, 17 | | 10/14/10 | ADOPT: 4168.7, 4171.5 AMEND: 4166, 4168, 4168.5, 4169, 4169.5, 4169.9, 4170.5, 4171, 4173, 4174, 4174.5, 4174.6 REPEAL: 4172 |
| 10/19/10 | AMEND: Title 13: 2025, 2449, 2449.3, 2452, 2453, 2456, 2458, 2460, 2461, 2462 and Title 17: 93116.1, 93116.2, 93116.3 | 10/11/10 | ADOPT: 3999.10 |
| Title 14 | | 09/22/10 | ADOPT: 3999.9 |
| 11/22/10 | AMEND: 1220 | 09/09/10 | AMEND: 3605 |
| 11/19/10 | AMEND: 895.1, 914.7, 915.1, 916.9, 923.1, 923.2, 923.5, 934.7, 935.1, 936.9, 943.1, 943.2, 943.5, 954.7, 955.1, 956.9, 963.1, 963.2, 963.5, 1093.2, 1104.1 | 08/19/10 | ADOPT: 3268.3 AMEND: 3000, 3268, 3268.1, 3268.2 |
| 11/09/10 | AMEND: 163, 164 | 08/13/10 | ADOPT: 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3560, 3561, 3562, 3563, 3564, 3565 |
| 10/27/10 | AMEND: 18660.40 | 08/11/10 | AMEND: 3350.2, 3352.2, 3356, 3358, 3390 |
| 10/18/10 | AMEND: 13800 | 08/05/10 | REPEAL: 3999.3 |
| 10/11/10 | ADOPT: 749.6 | 08/05/10 | REPEAL: 3999.4 |
| 10/07/10 | AMEND: 20030, 20040, 20050, 20060, 20070, 20080, 20090, 20100, 20110 | 08/05/10 | REPEAL: 3999.5 |
| 10/05/10 | AMEND: 125, 125.1 | 08/04/10 | ADOPT: 3042 AMEND: 3040, 3040.1, 3041, 3041.2, 3043, 3043.1, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045, 3045.1, 3045.2, 3045.3 REPEAL: 3040.2 |
| 10/05/10 | ADOPT: 700.3 AMEND: 105, 105.1, 106, 107, 110, 112, 116, 119, 120.2, 120.3, 102.6, 120.7, 122, 123, 124.1, 126, 147, 149.1, 150, 150.02, 150.03, 150.05, 180.3, 180.15, 700.4, 705 | 07/30/10 | ADOPT: 3349.1.1, 3349.1.2, 3349.1.3, 3349.1.4, 3349.2.1, 3349.2.2, 3349.2.3, 3349.2.4, 3349.3, 3349.3.1, 3349.3.2, 3349.3.3, 3349.3.4, 3349.3.5, 3349.3.6, 3349.3.7, 3349.4.1, 3349.4.2, 3349.4.3, 3349.4.4, 3349.4.5, 3349.4.6 AMEND: 3349 |
| 10/05/10 | AMEND: 25231 | 07/27/10 | REPEAL: 3999.2 |
| 09/21/10 | AMEND: 502, 507 | 07/22/10 | ADOPT: 3768, 3768.1, 3768.2, 3768.3 REPEAL: 3999.6 |
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| | | 11/24/10 | AMEND: 1417 |
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 10/18/10 AMEND: 3394.3, 3394.4, 3394.6
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 09/23/10 AMEND: 1391.1
 09/23/10 ADOPT: 1399.419.1, 1399.419.2
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 07/30/10 ADOPT: 3394.7 AMEND: 3394.1,
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 07/21/10 REPEAL: 1569
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 09/02/10 AMEND: 94700, 94701
 08/30/10 ADOPT: 95550
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10/18/10 AMEND: 1020 REPEAL: 471
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 10/26/10 AMEND: 97234, 97264, 97267
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| 97300.211, 97300.213, 97300.215, | 97333.11, 97333.13, 97333.15, |
| 97300.217, 97300.219, 97300.221, | 97333.17, 97333.19, 97333.21, |
| 7300.223, 97300.225, 97300.227, | 97333.23, 97335.1, 97335.3, 97341.1, |
| 97300.229, 97300.231, 97320.1, | 97341.3, 97341.5, 97341.7, 97342.1, |
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| 97320.17, 97320.19, 97320.21, | 97345.3, 97350.1, 97350.3, 97350.5, |
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| 97320.29, 97320.31, 97321.1, 97321.3, | 97352.5, 97352.7, 97352.9, 97352.11, |
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| 97321.15, 97321.17, 97321.19, | 97353.9, 97353.11, 97353.13, 97353.15, |
| 97321.21, 97321.23, 97321.25, | 97354.1, 97354.3, 97354.5, 97361.1, |
| 97321.27, 97321.29, 97321.31, | 97361.3, 97361.5, 97362.1, 97363.1, |
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| 97321.39, 97321.41, 97321.43, | 97363.11, 97364.1, 97364.3, 97364.5, |
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| 97321.63, 97321.65, 97321.67, | 97372.9, 97373.1, 97373.3, 97373.5, |
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| 97321.75, 97321.77, 97321.79, | 97381.5, 97381.7, 97381.9, 97381.11, |
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| 97321.109, 97321.111, 97321.113, | 97391.1, 97392.1, 97392.3, 97392.5, |
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| 97324.9, 97324.11, 97324.13, 97324.15, | 97416.11, 97417.1, 97418.1, 97420.1, |
| 97324.17, 97324.19, 97324.21, | 97420.3, 97420.5, 97421.1, 97425.1, |
| 97324.23, 97324.25, 97324.27, | 97425.3, 97425.5, 97425.7, 97425.9, |
| 97324.29, 97324.31, 97324.33, | 97426.1, 97426.3, 97426.5, 97426.7, |
| 97324.35, 97324.37, 97324.39, | 97426.9, 97426.11, 97431.1, 97431.3, |
| 97324.41, 97324.43, 97324.45, | 97431.5, 97432.1, 97433.1, 97433.3, |
| 97324.47, 97324.49, 97324.51, | 97434.1, 97434.3, 97434.5, 97434.7, |
| 97324.53, 97324.55, 97324.57, | 97434.9 |
| 97324.59, 97324.61, 97324.63, | 07/23/10 AMEND: 66261.3, 66261.4, 66268.1, |
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| 97324.71, 97324.73, 97324.75, | 07/22/10 ADOPT: 52000, 52100, 52101, 52102, |
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| 97326.5, 97326.7, 97326.9, 97326.11, | |

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| 07/21/10 | AMEND: 97232 | 09/15/10 | ADOPT: 3929.4 |
| 06/24/10 | AMEND: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501 | 07/19/10 | ADOPT: 6932 REPEAL: 6932 |
| | | 07/12/10 | ADOPT: 3929.3 |
| | | 07/12/10 | ADOPT: 3919.8 |
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| 10/11/10 | AMEND: 88030 | 07/19/10 | ADOPT: 6932 REPEAL: 6932 |
| 09/03/10 | ADOPT: 84067 AMEND: 83064, 84001, 84076, 84079, 84087.2, 84088, 84090, 86065, 88065, 89405 | Title 27 | |
| 07/09/10 | ADOPT: 87606 AMEND: 87202, 87208, 87212, 87455, 87633 | 11/18/10 | AMEND: 25805 |
| Title 23 | | 07/13/10 | AMEND: 25705(b) |
| 11/18/10 | AMEND: 2200, 2200.3, 2200.4, 2200.6 | Title MPP | |
| 11/17/10 | AMEND: 1062, 1064, 1066, 3833.1 | 09/03/10 | ADOPT: 31-021 AMEND: 31-003, 31-410, 31-501 |
| 11/4/20 | ADOPT: 3929.5 | 08/26/10 | AMEND: 40-188 |
| 09/27/10 | ADOPT: 2922 | 08/26/10 | AMEND: 44-211 |
| | | 08/26/10 | ADOPT: 91-101, 91-110, 91-120, 91-130, 91-140 |